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**Legislative Assembly  
of Ontario**

First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

Wednesday 3 November 1999

**Journal  
des débats  
(Hansard)**

Mercredi 3 novembre 1999

**Standing committee on  
government agencies**

Organization

**Comité permanent des  
organismes gouvernementaux**

Organisation



Chair: James J. Bradley  
Clerk: Douglas Arnott

Président : James J. Bradley  
Greffier : Douglas Arnott



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 3 November 1999

Mercredi 3 novembre 1999

*The committee met at 1002 in room 228.*

## ELECTION OF CHAIR

**Clerk of the Committee (Mr Douglas Arnott):** Honourable members, good morning. It is my duty to call upon you to elect one of your number as Chair of the committee. Are there any nominations, please?

**Mr Bob Wood (London West):** Mr Clerk, I nominate Jim Bradley as Chair of the committee.

**Clerk of the Committee:** Are there any further nominations, please?

**Mr Bert Johnson (Perth-Middlesex):** I move that nominations be closed.

**Clerk of the Committee:** There being no further nominations, I declare Mr Bradley duly elected Chair of the government agencies committee.

**The Chair (Mr James J. Bradley):** Thank you very much, members of the committee, for your kindness in nominating me—I may regret after a while saying “kindness”—and your kindness in electing me as Chair of the committee.

## ELECTION OF VICE-CHAIR

**The Chair:** Our next order of business is election of a Vice-Chair of the committee. Do we have nominations for the position of Vice-Chair?

**Mr John Gerretsen (Kingston and the Islands):** Mr Chair, I'd like to nominate Mr Crozier as Vice-Chair.

**The Chair:** Mr Crozier's name is placed in nomination.

**Mr Johnson:** I move that nominations be closed.

**The Chair:** All in favour of closing nominations? Nominations are closed. The Vice-Chair is Mr Crozier.

## APPOINTMENT OF SUBCOMMITTEE

**The Chair:** We also have the business of the appointment of a subcommittee on committee business. The subcommittee deals with matters related to upcoming business and makes all the important decisions, I'm told, on a committee of this kind.

**Mr Tony Martin (Sault Ste Marie):** I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to

the committee on the business of the committee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: the Chair as Chair, Mr Wood, Mr Crozier and Mr Martin; and that substitution be permitted on the subcommittee.

**The Chair:** You have heard the motion. Any discussion on the motion?

**Mr Joseph Spina (Brampton Centre):** I'm sorry, I missed the name of the third person.

**Mr Martin:** Mr Martin.

**The Chair:** Any discussion? We'll put the motion to the committee, then. All in favour? Opposed? The motion is carried.

I'm told there are some of us who have not served on committees frequently. Certain changes have taken place in the rules of the Legislature that may impact upon the committee. The clerk of the committee has suggested that there may be a time two weeks from today where we might be briefed on those changes and how they might impact on the committee, and any other matters that might relate to our procedures.

In addition to that, Mr Wood, you had informally before the meeting talked about how the committee had worked in the past and whether it was satisfactory to continue to work in that fashion. Any discussion of that matter?

**Mr Wood:** I think the subcommittee is going to meet after this meeting and will have a report to the next meeting of the committee, which may well involve some suggestions as to rules and how things should function. I don't know whether a briefing is necessary or just a memo that we might then simply ask questions on. Maybe that's a more efficient way of dealing with the question of bringing all the members up to date.

**The Chair:** Thank you, Mr Wood. That sounds like a good suggestion. If we were to have that written material for us, certainly any questions arising from that could be dealt with at a future meeting of the committee, probably at the earliest opportunity. That is a very good suggestion that the subcommittee will certainly look at carefully.

Is there any other business this morning for the committee on government agencies?

**Mr Martin:** I'm just wondering if maybe the government members would inform us of when they propose to start bringing some of these appointments forward. It's been since April 29 that we've had any vetting of



appointments by this government. There have been one or two people appointed, I think, since then and I'm wondering if we might expect that there'll be some appointments early next week, perhaps.

**The Chair:** First of all, I'll go to the clerk of the committee to have any comment on how this might be transpiring, and then if any government members have a comment, I'll ask for it.

**Clerk of the Committee:** I have not received, and understand there have not been, certificates tabled with the Clerk of the House, with the committee, for some time. I understand that there may be certificates coming forward soon.

**The Chair:** Is there a government member of the committee who might be able to assist us in this at this time, or not?

**Mr Wood:** Since there was no committee until a few days ago, of course, there was no committee to submit appointments to. My understanding of the rules is that appointments must be submitted to the committee now that it's constituted, otherwise they can't be submitted to the Lieutenant Governor for a signature. As soon as the cabinet starts to make appointments, if they want to have them signed, they're going to have to submit them to committee.

1010

**Mr Gerretsen:** I think the point that Mr Martin made is a very valid one, though. Appointments have been made over the last six months. We've read about these appointments in the newspaper. Some of them have been of a very partisan nature on all sides. Surely to goodness it would be incumbent upon the government members to undertake to this committee that by the next committee meeting they will have a complete list of all those people who are seeking appointments and whom the cabinet intends to appoint. Can we not get that undertaking?

I have never been on a committee yet in my four years here that has four such senior members of the government caucus as this committee has. We have an eminent lawyer from the London area, Mr Wood; we have the Olympic commissioner here in Mr Kells; we have Mr Bert Johnson here, who is the Deputy Speaker of the House; we have Mr Joe Spina here, who we all know was born in Sault Ste Marie and has carried on an illustrious career here in the Metro area. Surely these four highly influential members can give an undertaking to this committee to bring forward at the next committee meeting the names of people the government intends to appoint.

**Mr Martin:** I was wondering if it wouldn't be appropriate for the government to present to us a list of the appointments since April 29. We might pick one or two to bring before the committee and have a little chit-chat with them to see what's been going on to try to determine if in fact, as has been inferred, a little bit of patronage has been happening and if that has been appropriate; or has it been more than other times, or are there people on this list who perhaps have slipped by who maybe shouldn't be sitting on some of these boards and commissions? We

might be able to give some direction to the government around some of that. Is that an appropriate thing to ask or is it out of order?

**The Chair:** First of all, I'll ask for a response from the government members, if they have a response at this time. They may be able to help us out in this regard.

**Mr Wood:** The standing orders permit us to deal only with what is submitted to us. As a committee, we can't do anything more. If you want to consider ones prior to this time, that's a matter the House would have to do by resolution. I think that's a point you may wish to take up with your House leader and have him take it up with all the House leaders. The committee in and of itself can't do what we lack the jurisdiction to do. The House has got to authorize that by resolution, as indeed, as I recall, was done four years ago. Whether it's appropriate this time is a matter for the House to decide.

**Mr Spina:** That's in line with my thoughts. The objective of the committee is to vet up-and-coming appointments. It's our responsibility, as members of this committee, to draw out any of those recommended appointments to authorize or challenge as we see fit. What is historical, I think, is actually beyond the mandate of this committee, and I think it would fall within the scope of the Legislature itself to change that.

If the opposition members wanted the list of appointees, I don't think that's a difficult problem. I'm sure the appointments office would be happy to provide that to them. To debate that at this point would really be rhetorical.

**The Chair:** Mr Kells, did you have a comment?

**Mr Kells:** I think my colleagues have expressed where we stand. I don't believe there's any debate required until we get into our normal routine, which is coming right on our heels.

**The Chair:** Mr Wood has helped us out, first of all, with the legal process we must follow, apparently, and the clerk confirms that it is indeed the case that a resolution of the House would be necessary to look at appointments that have already taken place. Mr Wood has also helped us out by letting us know that has already been done; there is a precedent for that.

I would anticipate, from Mr Spina's comments, that the government would be very co-operative in providing a list of appointments that have been made since the last time this committee sat. It's a public document and they would be, no doubt, happy to do that.

Mr Martin, did you have a further comment?

**Mr Martin:** I'm really appreciative of the Chair's clarification of all that. That helps me to understand where I need to go if we indeed decide to follow up on it.

**The Chair:** So the opposition party representatives who wish to see this matter pursued then, as Mr Wood has recommended, will go to their respective House leaders to have this discussed at the House leaders' meeting and a resolution to conclude that meeting, while it'll certainly be in the hands of the House, whether they believe that the committee should deal with those



matters. I think that was very helpful, Mr Wood. Thank you for your assistance in that regard.

Any other business to come before the committee?

**Mr Gerretsen:** I just want to respond very briefly to what Mr Spina had to say, that in effect we could just get a list of the appointments that were made from the appointments secretariat. Perhaps Mr Spina is not aware of the fact that at times, as an opposition member, you don't quite get those lists as quickly perhaps as a government member does. Just in case we are not able to get those lists, will Mr Spina undertake to get them for us in short order?

**The Chair:** I've always known Mr Spina to be a most co-operative individual, but I'll let him speak for himself.

**Mr Spina:** The irony is that these appointments are a matter of public record. Quite honestly, to be straightforward with you, Mr Gerretsen, I found out about many of these appointments, as you did, in the newspaper. Whether it was a former member of the government or a former member of the opposition who received an appointment, such as Mr Miclash or Mr North, I found about these as you did. As a matter of public record, if the committee was requesting to see that list, I'm sure it's within the scope of the Chair to ask the secretariat to provide that list of appointments that have been made, purely for information purposes, because obviously it's not within our mandate to debate those appointments.

**Mr Gerretsen:** I have a follow-up question. Does he think it's appropriate for a government member not to be provided with that information before he reads about it in the paper? Should he, as a government member, not have access to the name of whoever is appointed, rather than finding it out that way? I'm sure he'll agree with me that that is not appropriate and that he should have found out in a different way than the way the opposition members find out, by reading it in the papers. Do you agree with that, Mr Spina?

**The Chair:** You have to direct any questions through the Chair. If Mr Spina wishes to respond, he will; if he doesn't, he will not. Mr Martin?

**Mr Martin:** I don't know, maybe others aren't interested in this, but would there possibly be some of the documentation that went with some of the applications that came forward for these positions: their resumés, why they qualified, why the decision was made to pick them, say, over somebody else, or would that be jumping the

gun a bit? Maybe we should have that in with people we might call forward. I just think it would be interesting to know why some of these folks got appointed, what their qualifications are, so that we're all comfortable and satisfied that they are actually going to do a good job for the people of Ontario.

**The Chair:** I will ask Mr Wood to respond to that.

**Mr Wood:** I think the member will find that full and complete information will be provided and, obviously, after he sees that, if he feels he needs more, he's entitled to ask. But I think he'll find it to be quite helpful when he gets it.

**The Chair:** Mr Clerk, anything to add to that? What you were addressing in terms of appointments that have already been made, which may or may not come before this committee as a result of action taken in the House—would the committee receive that information only if that resolution were to pass in the House? I guess that is my question.

**Clerk of the Committee:** I don't know what material will be forthcoming in the way of a list or provision of information.

**The Chair:** This may be a matter as well that the subcommittee may wish to discuss, but I certainly understand what the member for Sault Ste Marie, Mr Martin, is saying. It appears that the obligation would not be there on the government to provide the information—I'm talking about an obligation now as opposed to their own volition—that Mr Martin has suggested unless there is a resolution of the House that this committee deal with those appointments. Other than that, it would have to be done, perhaps, outside the purview of this committee or you may try a motion before the committee. But it would appear that it would be of their own volition that they would provide that information, that unless this committee is dealing—I'm just talking about the committee now—with those specific appointments, the government may not be obligated to provide that information.

**Mr Martin:** Perhaps we can talk about it further in the subcommittee. If we resolve it there, we can bring it back to the committee and ask for further input.

**The Chair:** Any other comments or business to come before the committee?

**Mr Wood:** I move adjournment, Mr Chair.

**The Chair:** Mr Wood has moved adjournment of the committee. All in favour of the motion? It is carried.

*The committee adjourned at 1022.*



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### STANDING COMMITTEE ON GOVERNMENT AGENCIES

#### **Chair / Président**

Mr James J. Bradley (St Catharines L)

#### **Vice-Chair / Vice-Président**

Mr Bruce Crozier (Essex L)

Mr James J. Bradley (St Catharines L)

Mr Bruce Crozier (Essex L)

Mr Bert Johnson (Perth-Middlesex PC)

Mr Morley Kells (Etobicoke-Lakeshore PC)

Mr Tony Martin (Sault Ste Marie ND)

Mr George Smitherman (Toronto Centre-Rosedale / Toronto-Centre-Rosedale L)

Mr Joseph Spina (Brampton Centre / -Centre PC)

Mr Bob Wood (London West / -Ouest PC)

#### **Substitutions / Membres remplaçants**

Mr John Gerretsen (Kingston and the Islands / Kingston et les îles L)

#### **Clerk / Greffier**

Mr Douglas Arnott

#### **Staff / Personnel**

Mr David Pond, research officer, Legislative Research Service



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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 17 November 1999

# Journal des débats (Hansard)

Mercredi 17 novembre 1999

**Standing committee on  
government agencies**

Subcommittee report

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Chair: James J. Bradley  
Clerk: Douglas Arnott

Président : James J. Bradley  
Greffier : Douglas Arnott





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## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 17 November 1999

Mercredi 17 novembre 1999

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** We'll call the meeting to order, if that's acceptable to members of the committee.

The subcommittee has met to discuss certain matters. The first item of business we have is the report of the subcommittee on committee business. I invite comment and discussion, first of all.

**Mr Tony Martin (Sault Ste Marie):** I'm putting a motion on the floor that we—

**The Chair:** If you'll hold on for a second, there may be another way of doing this. I'm informed that this specific subcommittee report refers to one particular certificate, and then we can get on to the other business. The report we're looking at is the report of the subcommittee on committee business, first of all, so I'll ask the clerk to provide us with some guidance on that.

**Clerk of the Committee (Mr Doug Arnott):** After a certificate of intended appointees is tabled with the committee, it is usual procedure for the subcommittee members to consider that certificate and consider whether there are selections they wish to make from that certificate and to report that recommendation or those recommendations to the full committee. The subcommittee's decisions on the certificate received on November 5 are attached to your agenda today as a subcommittee report, which reads as follows:

"Your subcommittee considered on Friday, November 12, 1999, the selection of intended appointments for committee review, and has agreed to recommend:

"That the following intended appointees from the certificate received on November 5, 1999, be selected for review."

From each of the parties there were no selections.

**Mr Martin:** I saw that certificate, mind you, a little late. I got it when I came back, and that's no fault of yours. I know that you sent it out on the 5th and it was in the system somewhere.

There was an appointment made that I had some interest in that I thought was made following the callback of the House. That was for a Mr Glen Wright to the WSIB. I was wondering where that certificate went. That would have been one of the only ones I would have wanted to spend a whole morning doing. I was wondering what

happened to that particular appointment. It didn't come before us.

**Mr Bob Wood (London West):** We don't get them if it's a reappointment.

**Mr Martin:** Pardon?

**Mr Wood:** We cannot review them if it's a reappointment. It's only if it's a new appointment.

**Mr Martin:** I beg to differ. I would like a ruling on that by the clerk.

**Mr Wood:** It's quite clear in the rules.

**Mr Martin:** The guy stepped down and now he's been reappointed and a lot of stuff happened in between.

**The Chair:** Mr Martin, a portion of standing order 106(e) says, "excluding reappointments and appointments for a term of one year or less." So according to the procedures for the standing committee on government agencies, standing order 106(e), we do not deal with reappointments.

**Mr Martin:** Could I make a motion flowing out of this that this committee call Mr Wright for an interview in the very near future as to his appointment and why it is he stepped down briefly from the committee and then came back on again? Let's just leave it that. The motion is that we call Mr Wright before the committee for an interview.

**Mr Wood:** On a point of order, Mr Chair: I think that motion is out of order. The standing orders are quite clear as to whom we can review. We have no authority, unless the Legislature gives it to us, to review anyone else. I think the motion is out of order.

**Mr John Gerretsen (Kingston and the Islands):** On the point of order, Mr Chair: Just so that I clearly understand this, was it a reappointment from the point of view that he had been appointed and then his term was up and he was immediately reappointed or did he step down and now he wants to get reappointed? Is "reappointed" defined anywhere in the standing order?

1010

**The Chair:** I'll ask our clerk to comment on that.

**Clerk of the Committee:** There is not a definition section in the standing order. The word "reappointment" stands.

**Mr Martin:** I concur with my colleague from Kingston and the Islands that this wasn't your typical reappointment. His term didn't run out and then he was reappointed; he actually stepped down from the committee and then was appointed later to the committee again.



**Mr Wood:** I don't know the actual facts of this case. I merely draw the attention of the committee. If it's a reappointment we have no jurisdiction under the standing orders to review it. I just don't know the facts of the particular case.

**Mr Bruce Crozier (Essex):** It may help us if we can research whether there is any precedent for it. If it doesn't define a reappointment, perhaps we could research to see, if someone left a committee, for whatever reason, maybe even at the end of a term, and came back a year or so later, whether it was treated as a new appointment.

**Mr Gerretsen:** That's the point that I was going to make. It's analogous to an elected member stepping down and then deciding to run again in the next election and he gets elected. Is he re-elected or is he just simply elected at that point in time? I believe the Olympic Commissioner had a comment on that.

**Mr Morley Kells (Etobicoke-Lakeshore):** He's lucky he got re-elected.

**The Chair:** I think we must refer to people by their names and not by their special titles.

**Mr Gerretsen:** I will never refer to Mr Kells as the Olympic Commissioner in this committee again.

**The Chair:** We do have a bit of a dilemma here. We may need a ruling from someone. I don't know whether this goes to the Speaker of the House or not; I'm going to consult with our clerk. But we do have an interesting definition. I would have said, personally as a member of this committee, that if a person is reappointed immediately, that's a reappointment. If there's a period of time in between, it seems to me that you're making a new appointment. Otherwise you could have six years between and someone else could be appointed again and you'd say it's a reappointment.

So I'll ask our clerk for some guidance. I don't know whether we have to seek a ruling from the Speaker or what we'd have to do. We'll have a momentary consultation.

To members of the committee, I'm going to rule the motion of Mr Martin out of order for the following reason: that this committee can call people, can deal with an appointment, only if we've received a certificate from the appointments secretariat. We have not received a certificate. I'm not talking about appointments or reappointments. We have not received a certificate and that is the procedure that we must follow in this committee. We must deal with certificates which we receive. So on the basis of that specific motion, I have to rule that motion out of order.

**Mr Martin:** Could we raise another point then?

**The Chair:** Mr Martin, on another point of order.

**Mr Martin:** I believe somebody has made a decision within the bureaucracy that Mr Wright's appointment is in fact a reappointment. I would challenge that to suggest that it's not a reappointment, that it's a new appointment again, after his stepping down, and that certificate should have come to us so that we might have chosen him as one of the people we interview.

I would ask that direction be given to the appointments secretariat to take a look at that and, if in finding that in fact it was not a reappointment but an appointment after some time, that they send that certificate out so we can have a look at it and perhaps invite him to come before us.

**The Chair:** Comment?

**Mr Wood:** Mr Martin has made a request to the Chair and I'm quite satisfied the Chair deals with the request and gets the information.

We have to first find out what actually happened. I don't know the facts of this case, so I think we have to find out. Was his service continuous or was it not?

**Mr Martin:** It could be a loophole, you know.

**The Chair:** Mr Gerretsen first.

**Mr Gerretsen:** I would first of all like to extend my apologies to both Mr Johnson and Mr Wood in recognizing Mr Kells as the Ontario Olympics Commissioner. Of course, I recognize Mr Johnson as the Deputy Speaker and Mr Wood as the crime commissioner. I would suggest that since Mr Wood is the crime commissioner, he would be the perfect person to look into this situation, to find out exactly what happened. How did this gentleman get reappointed without it going to this committee?

**Mr Bert Johnson (Perth-Middlesex):** It's not a criminal matter at all.

**The Chair:** I think there is a motion coming forward from Mr Martin. We know we could not deal with the other motion because it was clearly out of order. Mr Wood, if I have heard him correctly, has said that Mr Martin can make another request as to clarification of this matter, can ask that the committee ask for clarification, or Mr Martin can do so himself. I believe it would be in order to ask for that clarification. It would not be in order to ask Mr Wright to come before the committee if we don't have a certificate for him.

**Mr Wood:** I'd like to suggest that you, Mr Chair, might write the Public Appointments Secretariat to establish whether or not his service was continuous. If his service was continuous, Mr Martin's information is not correct and obviously his position would be somewhat different. I think we've got to establish that first.

**Mr Martin:** I know for a fact it wasn't. He stepped down to work in the campaign and then came back on to the committee again.

**Mr Johnson:** I think that's all right then.

**Mr Wood:** But I think we should know the facts of that first. When we have that, then I think—

**Mr Kells:** Perhaps we should have started with his background first, then we could work backwards.

**The Chair:** I will do so, but I would like to do that at the direction of the committee instead of my own volition. Would you like to direct the committee on that motion?

**Mr Martin:** Yes. I will direct the committee, through the Chair, to ask the appointments secretariat to review that. There may be others who step down, for whatever reason, political or otherwise, and who are then appointed again who may not, in the definition of "re-



appointment," actually fit that bill. We may be missing a chance to actually interview some of these people.

It may be a loophole we've found here and that would be interesting, wouldn't it? We could close it up and call on the government to be just that ever so slightly more accountable to us, the elected representatives of the people of the province.

**The Chair:** I'm going to suggest that we do it in two steps because it seems to me we're dealing with a specific one, first of all, and that is Mr Wright.

If you make the motion that the Chair be authorized to write to the appointments secretariat to clarify whether Mr Wright's appointment is a reappointment or a new appointment, we could do that separately. Then if you have a further motion, I'd be prepared to hear that. Would you like to put that motion about Mr Wright specifically?

**Mr Martin:** I move that the committee inquire of the appointments secretariat whether in fact under the definition Mr Wright was a reappointment or not and that if he wasn't a reappointment, then we get the certificate.

**Mr Wood:** No, I'm not prepared to support that. I want to know what the facts are first. I am prepared to support a motion that asks for the facts, so if you want to move that motion we're prepared to support it. If it's more than that, I think it's premature.

**The Chair:** Mr Martin, my guess would be that is the best way of doing it. We have to have the entire committee, I would guess, on that.

All in favour of Mr Martin's motion then? Opposed? The motion is carried.

1020

**Mr Crozier:** I'll wait until we get the answer from the appointments secretariat. It may be of some interest just because of the wording and the discussion saying we're going to see how the secretariat replies and whether the secretariat considers some circumstances or reappointment, and then we may want to pursue the Chair's questioning. We may have to go beyond the secretariat to find out what the real definition of "reappointment" is.

For example, if the secretariat comes back and says if someone served on that committee some time before, that it's always considered a reappointment after a lapse of time, we may want to pursue that. What the secretariat thinks is a reappointment, we may not agree with. I'm just putting that on the record now so that at a time down the road—

**The Chair:** That certainly does seem sensible that we'd try eventually to get that kind of definition. I would be concerned that somewhere along the line we're going to be into this question again of what is a reappointment and what is not a reappointment. I want to go to Mr Spina.

I would ask the clerk, if I can, first, where ultimately we would go to get a ruling on that, if he can help us with that, the ruling being on what is a reappointment and what is not a reappointment. Would that require a Speaker's ruling, or where would we get that kind of clarification, from an independent body or person?

**Clerk of the Committee:** If ultimately the issue was raised in the House, I cannot presume to speak for the House and its decision and Speaker, but it could come to a Speaker's ruling. In the meantime, however, I would expect the committee would be interested in the definition used by the Public Appointments Secretariat.

**The Chair:** In this regard then, I think that is very helpful to us, and it may well be that our committee will have to seek clarification eventually from the Speaker. It may not be the case if we're satisfied with the suggestion that comes or the ruling that comes from the appointments secretariat. We have passed one motion. Mr Martin indicated he may have another motion which is not specific to Mr Wright but rather a general question of the appointments secretariat, what they define as a reappointment and what they define as a new appointment.

The clerk has suggested that one of the options that we have as a committee is to get that information first from the appointments secretariat. If the committee is not satisfied, the committee could seek an opinion from the Speaker. Ultimately somebody can raise it in the House.

Mr Spina you had an intervention?

**Mr Joseph Spina (Brampton Centre):** It seems to me that this whole argument and discussion is really academic. From what stemmed out of the last committee meeting, the information that has been provided to us on the standing committee, it seems to me that that's really way beyond our mandate.

If someone was reappointed, legitimately or improperly or whatever, I'm not sure that's a case for this committee to examine or explore. It's my understanding that we're to look at the intended appointments and that is the scope of our responsibility.

If someone is being considered for a reappointment, then perhaps that could be a discussion as part of, again, an intended appointment. If we have a man or a woman before our committee who is up for reappointment, whom any of us has brought forward, then clearly I could see us challenging that person, asking that person, seeking the clerk to define the information as to when that person was here or was not here, when their term ended or did not end. I could see us legitimately asking for that information as part of our consideration for, again, an intended appointment. But for something that is historical, it was my understanding that's beyond the mandate of this committee. Based on the information that's been provided to us, through you, I think the whole thing is an academic discussion and it's beyond the scope of the committee at this stage.

**The Chair:** Any other comment on that?

**Mr Martin:** I would disagree. If we didn't get Mr Wright's certificate because it was deemed by somebody that it was a reappointment when in fact it wasn't, there was a break in service there, then we're not getting a certificate that we should have had and should have had a chance to interview. That's the issue here.

The other, wider issue that we'll be discussing in a few minutes is that over the last six months or so since this House sat, there has been a whole whack of appointments made by your government that in many in-



stances have some very disturbing political overtones and that I would like to explore, or have some of those people come before us so that we could talk to them and maybe, on one hand, dispel all the intrigue and suspicion that some of us are harbouring at the moment or, in fact, point to some activity here that was outside of the generally accepted scope of accountability that we're supposed to have to each other and to the people that we represent. I'd personally like to get to the bottom of that. I think it's inherent in the job that we do and comes with the responsibility that we have as members of this committee to make sure that every appointment that's made is done in the best interests of the people of the province. That's where I'm coming from here and that's what I want us to make sure that we're exploring.

**The Chair:** We're into a couple of subjects, it seems to me. We have already passed a motion where we're going to ask the appointments secretariat to provide us with their view on whether Mr Wright was an appointment or a reappointment. Further, you were seeking some kind of guidance or discussion of the committee about asking the appointments secretariat in general what their specific definition is of an appointment or a reappointment. Perhaps that would be a motion you may wish to bring forward. Third, I think we're going beyond that with what you've asked there. That's yet another subject of whether we want to seek permission, because clearly the standing order does not permit it, if we want to ask permission of the government to deal with appointments that have been made. But if you wish to follow this specifically, we could not do so.

Mr Wood has suggested, and you followed that suggestion, that it go to the House leaders. Your House leader has suggested you come back to committee with it so that's something this committee will deal with in a while. But can I ask if you have a motion which would seek from the secretariat their definition of a reappointment?

**Mr Martin:** Yes. I would move that the committee ask the appointments secretariat to forward to us some definition of "reappointment" so that we don't run into this situation again in a week or a month or a year down the road.

**Mr Crozier:** I second that motion.

**The Chair:** Any discussion of that particular motion? The motion is simply asking the secretariat would they define for us what they consider to be a reappointment. We'll have to deal with that throughout our four years or whatever number of years we're here.

**Mr Spina:** I think for intended appointments a definition like that would be helpful to all the committee members, but to have it retroactive is beyond the Public Appointments Secretariat. Even though I voted for that last motion, frankly, I would rather rescind it because there is the greater issue that you alluded to in your comments as to whether or not it's in the scope of this committee. If somebody wants to change the scope and mandate of this committee, it's a far different process than we're in a position to create here as a committee, as members.

**The Chair:** I certainly find your comments interesting and relevant. In this specific case, however, all that Mr Martin's motion is asking for is for the committee to give us a definition of a reappointment.

**Mr Spina:** The secretariat.

**The Chair:** Sorry, the secretariat—thank you very much—for giving us a definition of what they consider to be a reappointment. Further to that, we may have some further discussion.

1030

**Mr Johnson:** Just a point, and that is that I'm not sure that we should be asking for the definition of a reappointment. It seems to me that our context is that we are entitled to examine intended appointees, so that's the definition we want, not a definition of something that we don't do.

**The Chair:** I think what Mr Martin is looking for, however, is simply very basic information, according to the secretariat, to help our committee out to know what is a reappointment and what is not. I understand your point. I think he's simply asking to get that kind of clarification. I don't think there's too much to read into it, although we always do.

**Mr Wood:** I think I'd be prepared to support this motion because I think it is reasonable to understand what criteria are being applied. If there appears to be a problem with them, we can address the problem.

**The Chair:** If there's no further discussion, I'll call the motion. All in favour? Opposed? The motion is carried.

Further business? I'm going to ask for a motion to adopt the subcommittee report which is before us, where it says, "Official opposition ... third party ... government ... no selections," in those three cases. Do I have a motion to adopt that report?

**Mr Wood:** Just so I understand what's before us at committee right at the moment, there was a further report of the subcommittee which is not included in this motion, that's going to be voted on separately?

**The Chair:** Yes, we'll deal with that separately.

**Mr Wood:** So all we're voting on now is this piece of paper?

**The Chair:** That is correct. We are voting on a motion that says, "Your subcommittee considered on Friday, November 12, 1999, the selection of intended appointments for committee review and has agreed to recommend that the following intended appointees from the certificate received on November 5, 1999, be selected for review...." You will see that each of the political parties had no selections. Therefore, that is the motion I'm putting forward.

**Mr Wood:** So there will be a separate motion for the subcommittee report today?

**The Chair:** A separate motion for the subcommittee discussion of this morning. Is there someone who will move that motion?

**Mr Crozier:** I'll move it.

**The Chair:** Mr Crozier moved that motion. No seconder is required. All in favour? Opposed? OK.



There was a discussion that took place at the subcommittee meeting that started a little after 9:45 this morning. We have to consider that report. Clerk?

**Clerk of the Committee:** "Your subcommittee recommends that the committee request permission to call forward a limited number, that is, three per caucus, of the appointees listed on a list of appointments made since dissolution that is to be requested from the Public Appointments Secretariat."

**The Chair:** Discussion?

**Mr Wood:** I might say that I was the dissenting vote when that report was adopted. It's my view that the most effective way of dealing with these matters, which of course have to be dealt with by the House, is by way of submission to our respective House leaders. I do not think the committee, as such, should take a position on it and I am therefore opposed to the report.

**Mr Martin:** Since I was the one who proposed the motion, first of all, in my almost 10 years here I've always been led to believe that by unanimous consent the committee could do almost anything that it wanted, within the scope of the rules of the House, and that we could ask for circumstances outside of that scope even if we agreed unanimously and we could bring it forward to the powers that be.

In this instance, we are a committee appointed by the House to review all of the appointments that a government makes so that not only in fact but in perception this place is acting in the public interest always. There have been a whole slew of appointments made since the last certificate this committee received before the elections, just a mammoth amount of appointments made between then and now, without any public scrutiny except what the press deemed to do. It seems to me incumbent on us in some small way, even if only symbolic—and I suggest that the three that we're asking for per caucus is simply a symbolic gesture of our going beyond the call of duty to make sure that we're doing our job here, that we invite before the committee a sampling of these appointments so that we can talk to them, get a sense of how legitimately qualified they are to do these jobs and to make sure that there was no negative connotation at all to these appointments.

I would suggest that if the government has been acting in good faith, as I'm sure it will purport to be doing, and if all of these appointments fit the criteria out there around the question of qualification, interest and also the issue of impartiality etc that often goes along with some of these appointments—a lot of these commissions, boards and agencies make decisions that affect the lives of ordinary citizens out there who are perhaps looking for some assistance in a difficult period, looking for some clarification on some point of legality where the rules of government apply etc.

It's my view that if the government members feel that nothing untoward has gone on, and that all these appointments were very legitimate and very credible, they wouldn't have any difficulty with us simply calling forward a sampling. If the Liberals and the New Demo-

crats decide to call three each, that's six. If you folks decide to call three or you decide not to, that's your choice, but six or nine people that we could sprinkle into the new appointments that we will be calling over the next number of months to have a chat with so that we can assure ourselves that everything has been above-board and in the common interest of the people of Ontario, then I don't see where this is a huge problem.

If this committee decides, in its effort to do its job effectively, so that it can't be challenged, to put forward a motion to the powers that be, which is where we go from here, that we be allowed to do this, I'm sure that they would consider that very seriously and do whatever it would take to make sure we're allowed to do our job in that way. That's the rationale behind the motion that I'm placing here today, Mr Chair.

**Mr Gerretsen:** I believe that standing order 106(e) is intended to make the process as open as possible. It gives the general public and the members of the Legislature on all sides an opportunity to know who the government appoints to the various boards and commissions. Some of these boards and commissions, as we all know, play very important roles in the lives of the people of Ontario, and I've had the privilege of having been appointed to one or two of these boards in the past—I must say by all three former governments—at one time or another.

I can also fully understand that a government, when it is re-elected, needs to make appointments in certain areas right away, but we have to recognize the fact that the Legislature didn't sit for another five months, or almost five months. If you really want to make the process as open as possible, realizing that this committee can't do anything further with respect to the people who have been appointed, a number of things have to happen.

Number one, you have to have a complete list of all the people who have been appointed. I know some of the government members will say, "That's available." I don't know where to get that whole list in one document. Make it as transparent as possible. Table the list here. It shouldn't be necessary for people to have to search all this stuff. Get the list here.

1040

Number two, what is wrong with going back to some of these people and letting the committee satisfy itself that these are good appointments or not such good appointments? I know there were Liberals appointed on that list, I know there were government members appointed on that list, and there may even have been some New Democrats appointed on the list. Heaven knows, there may even have been some people appointed, out of about 95% of the populace out there, who don't belong to any party whatsoever but who go with whatever government they want of particular type, of whatever stripe. Let's hope that's the case, that some of these people have absolutely no party affiliation at all, because they really represent the majority of Ontarians out there.

If there is an attempt by the government members, who can out vote the rest of us any time they want, to



stop this process from taking place, I think the general public, the media and the other members of this committee can only come to one conclusion, and that is: What are you trying to hide?

I am a firm believer that any government, of whatever political stripe, intends to appoint the best people possible to a particular position. It's to the government's advantage, it's to the system's advantage and it's to the advantage of people who benefit from the decisions the boards, commissions and agencies are making. I don't think there is anything wrong, by the way, if all things are equal, that you're more likely to appoint somebody along your own political stripes than somebody else. But the first issue is: Is the person competent to serve in that position? Surely we would all agree on that.

If these people who have been appointed are, in your opinion or in the Lieutenant Governor's opinion through the cabinet, competent to serve in that position, then what have you got to hide by not making the list available and not allowing each caucus to choose three members to come forward so they can be questioned?

I would urge the government members to open up your minds, allow the winds of change to blow through, make the system as transparent as possible and don't stonewall the minority members on this committee. Vote with us collectively so we can say to the appointments secretariat, "Give us the list." Let's choose three names on each side. I know there are some very interesting names that you people will probably want to interview before the committee and there may be some interesting names that we would want to interview as well.

Let's make sure that for the people of Ontario, regardless of party affiliation, we really have the most competent people to serve in these positions.

**Mr Kells:** Well said.

**The Chair:** We are discussing that subcommittee report and we will need a motion to adopt that subcommittee report from this morning.

I should, for the clarification of Mr Gerretsen, because the subcommittee met previous to this meeting, say that I am writing a letter to the appointments secretariat requesting a list of the appointees. That's quite legitimate that we can request that list from them.

**Mr Gerretsen:** I would like to congratulate you on that.

**The Chair:** Mr Wood has assured me, and it's quite accurate, that this is a public list, at any event. Mr Martin specifically asked me to write a letter to the secretariat asking for a list of all those appointments.

**Mr Crozier:** I support what Mr Martin and Mr Gerretsen, in particular, have said. Therefore, I won't repeat it. It seems to me what we're really discussing here is the method by which we may reach the point of perhaps reviewing some appointments that were made prior to last week. Mr Wood has expressed the suggestion that it be done through the House leaders. Mr Martin's motion asks that we simply go to the secretariat, I think. Yes.

I wouldn't want us to lose this motion, or at least, this avenue, just because we have a difference of opinion on

how we should go about this. So I would also ask that the government members support this. We go through the secretariat. If the secretariat says they don't have the authority to, or in their opinion we can't, then we can go to the House leaders. But I wouldn't want us to dismiss one avenue before we at least see whether we can be successful.

**The Chair:** Any other comments from any other member of the committee on the subcommittee report? The motion was to adopt the subcommittee report. Is there any further discussion at all?

All of those in favour of adopting the subcommittee report?

All of those opposed?

The motion is lost. Further business?

**Mr Martin:** It seems to me that there have been a number of commissions appointed by this government that have been beyond the pale, outside of the normal, new commissions such as the crime commission, and there was the gasbusters at one time, and there's the commissioner here for the Olympics.

**Mr Spina:** He's a PA.

**Mr Martin:** Those appointments have never been tabled as appointments by the government so that certificates would come forward and we could then question: What are these commissions about? What are the terms of reference? How do these people fit the bill in terms of their appointment?

I'm wondering if there's some ruling here. Can a government just put commissions and boards and agencies together and start appointing people without some formal approval by the Legislature? Can they go out and call themselves commissions and commissioners and travel the province and do hearings etc, without any formal approval by government? We have a number of them floating around the province. Some of us don't know exactly what their purpose is, except we know that it's political in nature, but not how it serves the common interest, the common good of the people of the province.

I'm not sure where to go with this, but it seems to me there are a couple of questions here. One is the government's ability to just willy-nilly set up commissions, perhaps a caucus's ability to just set up commissions and then present themselves as somehow bona fide, legally speaking for or able to go out and gather information and meet with people on behalf of the government. I would suggest that there's a fair amount of fuzziness, a lack of clarity and probably confusion about this kind of thing that's going on.

The second point is, when people are appointed to these commissions, if they are even semi-bona fide, shouldn't we have a chance here to interview on their appointment, at least a sampling of the folks who get appointed?

**The Chair:** I will ask Mr Pond to give us a definition of what a commission might be or to help us with this particular matter as to what agencies, boards and commissions we have jurisdiction over as a committee.



**Mr David Pond:** Doug may wish to speak to this as well, but you'll note, Mr Martin, in standing order 106(e) the phrase used is "agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the crown in right of Ontario is a majority shareholder." There is no definition in the standing order of agencies, boards and commissions, but traditionally the agencies, boards and commissions which have fallen under the purview of this committee are those which are scheduled by Management Board.

You know the scheduling system Management Board uses and has since the 1980s: All agencies are classified in one of four schedules and are also defined as either operational, regulatory or advisory. Agencies or other entities created by the cabinet outside of that system have not traditionally been considered to be agencies, boards and commissions over which this committee has any jurisdiction. And there are a few; you're quite right about that.

**Mr Gerretsen:** So we can't question the Olympics commissioner.

**The Chair:** I'll ask Mr Arnott if he has a further—

**Mr Kells:** I think you should.

*Interjections.*

**The Chair:** Mr Gerretsen, do you have a comment?

**Mr Gerretsen:** The only point I was making is, I take it from that that we cannot question another member of this committee for his appointment as Olympics commissioner. I've got a few questions that I would like to ask him on the record.

**Mr Martin:** There's been a lot of innuendo out there about the Olympic commissioners and how much money they get and the lavish lifestyle and everything. We were just wondering if Mr Kells was involved in that.

*Interjections.*

**Mr Kells:** I think my reputation is being besmirched.

**The Chair:** Mr Kells, did you wish to you comment?

**Mr Kells:** All I'm saying is "ouch."

**Mr Martin:** How many communities has he visited?

1050

**The Chair:** We've heard a definition of what is traditionally under the jurisdiction of this committee. This committee may wish to seek permission somewhere to look at further appointments, but we have been told by Mr Pond what our present mandate is. You may seek to widen that mandate to deal with such things—as you refer to them—as the crime commission because they use the word "commission," which I think is an appointment not by the cabinet but directly by the Premier for a specific purpose, and the Olympics commissioner, which I believe is not a scheduled agency; it is an appointment by the Premier of a specific individual within the government caucus.

If you wish, you may, in a motion of this committee now or some time in the future, seek the mandate to do so. We would have to follow a procedure to seek that further mandate or seek clarification whether our present mandate includes such agencies, boards and commis-

sions. I understand what you're saying. We have heard a clarification already of what our mandate is at the present time.

**Mr Martin:** Just to indicate to the committee how important this is, there's also another part of the job of this committee, which is from time to time bring an agency, board or commission before the committee for review, to ask what they're doing, to ask about their expenditures, a whole whack of things. If I'm led by the legislative researcher's comments, those are outside the purview of this committee as well.

**The Chair:** He said traditionally that is the case.

**Mr Martin:** It seems to me this would be something that's worth exploring. I'm not sure how you go about it. I know the government members will vote down anything we bring forward that would—

**The Chair:** I don't know that we can be presumptuous about how anyone might vote in this committee, Mr Martin.

**Mr Martin:** I would put on the table that we didn't set up any crime commissions.

**Mr Gerretsen:** There was no crime then.

**Mr Martin:** There was no crime then, that's right.

**Mr Spina:** Royal commissions?

**Mr Martin:** Yes, we did, and they were all within the purview of the standing orders and had the right of government to do it. They were subject to all the checks and balances of this place.

*Interjection.*

**Mr Martin:** Royal commissions are. They fit the bill. Perhaps we could ask legislative research to talk to us a bit about royal commissions and where they fit in the whole scheme of things.

**Mr Pond:** Royal commissions do not normally come under the purview of this committee. There are other bodies—for example, the Environmental Commissioner doesn't come under the purview of this committee.

**Mr Martin:** But they are governed by some arm of the Legislature in terms of the money they spend and their terms of reference and their accountability.

**Mr Pond:** Certainly.

**Mr Martin:** I want to know, outfits like the crime commission and the gasbusters—what others? There was a whole whack of them.

**Mr Gerretsen:** The crime commission has always caught my fancy.

**The Chair:** You're out of order, Mr Gerretsen. It's Mr Spina.

**Mr Martin:** If I might just—

**The Chair:** If I may, just a moment. I did give the floor to Mr Spina. I will come back.

**Mr Spina:** Thank you, Chair. This whole discussion is again academic. Mr Pond has clearly described what is within the mandate of this committee. Frankly, what Mr Martin would like to have, I think, if I read into what he's saying, is the right of this committee to challenge the entire cabinet of government—of any government.

**Mr Martin:** What's wrong with that?



**Mr Spina:** That's the prerogative of being the government in power. Frankly, you're going way beyond that. Anybody who is without fault, let him cast the first stone, and we all have stones, so this whole discussion is academic. Unless there's a motion, I would ask that you rule this no longer in order, Chair, with due respect.

**Mr Martin:** I'll put a motion, then. It's in keeping with what I think is the mandate of we who have been elected: to make sure that whatever happens under the aegis of good government in this province has checks and balances attached to it, and systems of accountability such as royal commissions have when they're appointed.

We've seen a number of commissions, boards and agencies set up by this government go out and do some things that are sketchy, at best, certainly politically motivated, that in my view do nothing but confuse the public as to who they represent, who they speak for, what their role is, how they fit into the structure of this place, who they're accountable to and all those kinds of things.

I would make a motion that this committee ask for some clarification as to—I'm looking for words here. I'm looking for some vehicle to challenge the government on the establishment of agencies, boards and commissions that fall outside of the purview of this committee so there is no confusion around what their mandate is and who they're accountable to. I guess the motion is that this committee explore this phenomenon.

**The Chair:** I have Mr Crozier and then Mr Wood.

**Mr Crozier:** Go ahead, Mr Wood. You've now made a motion. I support the motion. I want to raise something.

**Mr Wood:** I want to express some distress that in all this discussion of commissions the Red Tape Commission hasn't been mentioned.

**Mr Martin:** That's another one.

**Mr Wood:** Exactly. Nobody mentioned it. So I do hope the opposition will do its research better.

**Mr Martin:** He seems to be on a lot of them. Maybe he's behind it.

**The Chair:** Thank you very much, Mr Wood. Mr Wood has been helpful enough to refer to the Red Tape Commission.

**Mr Wood:** I also wanted to make a further comment on this, which is basically the same as my comment on the earlier motion. I think this is something best pursued through the House leaders, and that's the direction which is the most effective. Therefore, I'm not going to support this motion.

**The Chair:** Anyone else wanting to speak on this specific motion? If not, I will call the question.

All in favour of the motion of Mr Martin? Opposed? The motion is defeated.

**Mr Crozier:** We think you're more understanding that the House leader of the government.

Legitimately, I would like to ask how it is we go about fulfilling the first part of the paragraph of standing order 106(e) that Mr Pond read, in which we are empowered to review and report to the House on observations, opinions and recommendations of the operation of agencies, boards and commissions, once we define what they are,

and, seriously, how we might as individual parties bring before the committee some agencies, boards or commissions that we would like to look into.

What's the process for doing that? Do we simply say we want to call a particular agency, board or commission before the committee, or do we have to have a consensus or do we have to have a majority?

**The Chair:** I'll ask our clerk to help us with that.

**Clerk of the Committee:** In general, in the past, the committee has operated by consensus in pursuing its agency reviews with generally, at a given period of time, one, two or three agencies selected per caucus to be considered within the time available for committee hearings. That process generally has occurred through the subcommittee, through recommendations from the subcommittee to the full committee.

1100

**The Chair:** I should say further—and members who have been on this committee longer than I, or at least more recently more than I, would help us out if I am wrong in this—what essentially has happened with this committee is that it has become very preoccupied with the appointments process—that is, dealing with appointments which are sent to this committee for consideration—and that in recent times we have not dealt with agencies, boards and commissions as agencies, boards and commissions. I have sat on this committee years before where we have indeed done so. It may be a matter for further discussion of the committee when we have some time to think about it whether the committee would like to see us move in that direction again, perhaps when the House itself is not sitting—it's very difficult when the House is sitting to do so, but when the House is not sitting, to review some agencies, boards and commissions.

I know that when the government was looking to sunset or to scrutinize carefully some agencies, boards and commissions, and the opposition was interested in looking at those as well, we did deal with some of those. We had research reports that came forward. We sometimes visited that commission. I can think of the Ontario Food Terminal as one. Then a report came from the committee and the government dealt with the report as it saw fit. That may be something the committee wishes to explore.

I think the three House leaders—I can say specifically the government House leader, and I don't think I'm misquoting him, has expressed a hope that the committee system could be enhanced in such a way as to make the committees more meaningful than perhaps they might be at the present time. Again, I would have to hear directly from the government House leader in that regard.

So we do have that potential opportunity, and it is done, as our clerk has said, through a consensus of the committee. Ordinarily, the subcommittee has gotten together and decided whether it wishes to pursue such a course of action.

Mr Gerretsen, you wanted to speak, and Mr Wood next.

**Mr Gerretsen:** The only comment I was going to make is that the mandate seems to be quite broad. It talks



about "to review the operation of an agency, board or commission." I think it would be in everyone's interest to find out how some of these agencies, boards and commissions operate, to see how improvements can be made, to see whether they are still relevant. We may have disagreements about the types of programs that each party might want to institute if they were in government, but I think surely there can be no disagreement that if taxpayers' dollars are being wasted in one way or another or are not being utilized as properly as they should be by a particular board, agency or commission, it would be to the benefit of us all to look at that and see how things can be streamlined further so that we can all get better use of the taxpayers' dollars.

I don't even look at that as a partisan issue, quite frankly. There may very well be boards, agencies and commissions out there that we would all be better off without, after taking a look—

**Mr Spina:** School boards?

**Mr Gerretsen:** Well, you know, you're talking about school boards. No, I don't think school boards are one of them. I believe that rather than tackling the big issues that you may want to tackle but never get anywhere with, it's probably better to start off small by looking at some of the smaller agencies, boards and commissions that you can actually do something about proactively. It's to everyone's benefit.

**Mr Spina:** Are you saying you can't do anything about school boards?

*Interjections.*

**The Chair:** I have Mr Wood.

**Mr Gerretsen:** What do you want to do about school boards? Do you want to abolish them, Mr Spina? If you do, then say so, so that you are on the record that you want to abolish all the school boards.

*Interjection.*

**Mr Gerretsen:** I take that to be a yes. Thank you.

**The Chair:** Order. The only person who has the floor right now is Mr Wood.

**Mr Wood:** I certainly think it's worth considering what agencies, boards or commissions we might want to review.

There is another matter that all the members might want to think about, and that's the new rule whereby each committee member gets to present a bill for consideration, which the committee then drafts. I think all members might want to give a little thought to that, because that might be a productive use of some of the committee's time.

**The Chair:** Mr Arnott is going to speak to that specific mandate the committee might have. I think there are some good suggestions coming around here as to what this committee might do. I recognize we are all busy people, particularly those who have additional responsibilities, but there are some good suggestions here. I've seen the committee work exceptionally well in the past in that regard.

**Clerk of the Committee:** I believe Mr Wood has made reference to new standing order 124(a), which does provide that each permanent member of a certain com-

mittee may put forward an item for consideration by the committee, and that committee may, in making its report to the House, append a draft bill, which the Chair of the committee would introduce in the House. However, the starting point of that standing order says, "Each permanent member of a committee set out in standing order 106(a) and (b)," which limits the operation of that standing order to two committees of the House, the standing committee on justice and social policy and the standing committee on general government. It would not apply to this committee, as the House adopted the changes to the rules.

**The Chair:** It may well be, because I was intrigued by that possibility, that at a future meeting this committee may seek to have the same rights as other committees have. I'm quite intrigued by what Mr Wood has had to say on this, because what may emerge from such a committee is a genuinely multi-partisan bill, which I think would be very helpful. So we may wish to seek that.

**Mr Wood:** I thank the clerk for his clarification. As it was described to me, I didn't realize this was confined to the two policy committees only. I think that's something all of us might want to think over: Should only some committees have that right, or should that be given to all committees? You might even want to speak to your House leader about it.

**The Chair:** Yes, we would want to do that. It may be something for future discussion in this committee, that we may wish, as a committee, to seek from the House leaders the opportunity to have the same right as another committee, should the majority of this committee deem that to be appropriate.

Any other further business before the committee concludes its business?

**Mr Martin:** I just wanted to add to the previous discussion that in fact in the last government we did bring the Ontario Northland Transportation Commission before this committee and had a review because they were closing down norOntair. They're now in the process of closing down the Ontario Northland Railway. It may be something we might want to consider doing again, bringing those folks in and finding out why all forms of transportation to northern Ontario are now being closed down by this government. It's an example of a commission that was brought before this committee during the last government's term of office.

Having said that, it seems to me that this committee works best when we're able to work through consensus. Certainly what happened here this morning is no indication to me that that's going to be easily achieved.

**The Chair:** That's an interesting observation, but hope springs eternal that this committee will function as it deems appropriate and as effectively as possible. Any other business to come before the committee this morning? If not, I will entertain a motion to adjourn.

**Mr Wood:** So moved.

**The Chair:** Moved by Mr Wood to adjourn. All in favour? Opposed? The motion is carried. The meeting is adjourned.

*The committee adjourned at 1108.*



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Mr James J. Bradley (St Catharines L)

#### **Vice-Chair / Vice-Président**

Mr Bruce Crozier (Essex L)

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#### **Clerk / Greffier**

Mr Douglas Arnott

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Mr David Pond, research officer, Legislative Research Service





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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 1 December 1999

# Journal des débats (Hansard)

Mercredi 1<sup>er</sup> décembre 1999

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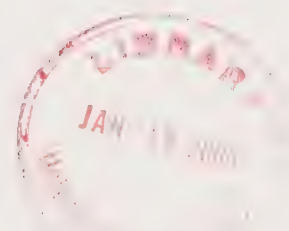
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 1 December 1999

Mercredi 1<sup>er</sup> décembre 1999*The committee met at 1006 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** I call the meeting to order. Welcome, members. Here we are, and the Olympic commissioner is here now so we're in good shape.

The first item on the agenda is the subcommittee report. I will ask the clerk to read into the record for all of us the subcommittee report of the meeting of November 25, 1999.

**Clerk of the Committee (Mr Douglas Arnott):** Your subcommittee considered on Thursday, November 25, 1999, the selection of intended appointments for committee review, and has agreed to recommend:

"That the following intended appointees from the certificate received on November 19, 1999, be selected for review:

"Official opposition party: no selections.

"Third party:

"Agency: Ontario Educational Communications Authority (TVO)

"Name: Isabel Bassett

"Time recommended for consideration: 30 minutes

"Date for consideration: Wednesday, December 8, 1999

"Government: no selections."

**The Chair:** Can I have a motion, first of all, to adopt the report of the subcommittee so that we can have some discussion, if there's any discussion.

Mr Newman moves—I understand a seconder is not required in the committee—adoption of the report. Any discussion on the report?

**Mr Tony Martin (Sault Ste Marie):** Just to perhaps move an amendment to it, that since there are no other candidates to be brought before us, we might consider having Ms Bassett for an hour as opposed to half an hour. From our perspective there are lots of things we would like to explore with Ms Bassett and her appointment, since we have the time available to us. I think that half an hour, when you divide it up among three caucuses and you get 10 minutes each, goes by rather quickly, and just when you're getting into some of the more interesting and important pieces, your time's up. So I'm suggesting we have Ms Bassett before us for an hour as opposed to half an hour.

**The Chair:** When someone moves an amendment or a motion in the committee, what would be very helpful for all of us would be to write it out and have it before us. This is not a complicated one, but you'll recall before when we were in committee we discussed some matters that required some additional discussion. It's very difficult for the clerk to try to determine exactly what we've said. All of us tend to make motions on the fly. So I would ask that whenever it is possible, and if there are any complications in the motion, we try to get a written motion so we all know what we're talking about then, particularly the clerk, but all the members of the committee if we can do that.

Any further discussion on the subcommittee report?

1010

**Mr Dan Newman (Scarborough Southwest):** I believe that 30 minutes is sufficient time to have Ms Bassett appear before this committee. In the past, anyone else who has appeared before the committee has spent 30 minutes in total making their presentation and answering questions. We've had people from a variety of agencies, boards and commissions appear before the committee. They've been here for 30 minutes and I think we ought to keep with that standard.

**The Chair:** Any other comments?

**Mr Bruce Crozier (Essex):** I would just ask for one thing, if the clerk could advise if there have been others who have appeared for an hour, in his memory? Do you recall? I don't want to—yes, I do want to put you on the spot. Mr Newman said that in the past it has been 30 minutes. I just wonder if there are occasions when we've had representatives for an hour.

**Clerk of the Committee:** On occasion the committee has agreed to increase the time or to decrease the time. It's been a committee decision. The usual time has been 30 minutes. In May 1998, the committee did agree that henceforth all interviews would be 30 minutes unless the committee agrees otherwise.

**Mr Crozier:** I'd like to speak in favour of the motion because TVO is a significant and important educational tool in Ontario. This is a new president coming in. I would like, for example, from our perspective, to give Ms Bassett the opportunity to outline what her vision is for TVO.

From my point of view it wouldn't be an adversarial situation. I'm interested, as I know hundreds of thousands, if not several million, people in the province of



Ontario are interested in what's the future of TVO. What direction does it go in? What is her vision for it? I think it would be a great opportunity for Ms Bassett to outline that vision for us. I think in fact it may be very restrictive to keep her to the 30 minutes. It would be an opportunity for her, and I would think, as the new head of TVO, she would relish that opportunity to give us that vision.

**Mr Newman:** I think it's important to keep in mind that in the past, when we look at other people who have been appointed to chair or president or CEO positions of the various agencies, boards and commission, these individuals have come before this committee and they've been allocated 30 minutes.

On June 24, 1998, Ron Barbaro from the Ontario Casino Corp board of directors, appeared before the committee. The meeting started promptly at 10 am and finished at 10:34, a total of 34 minutes, and that was the presentation, the questions from all three parties and the concurrence. That was a total of 34 minutes.

On February 12, 1997, Ann Vanstone, co-chair of the Education Improvement Commission appeared along with David Cooke, a former NDP member, now co-chair of the Education Improvement Commission—education, yes, a very important aspect within the province. The total on those two appointments was one hour and seven minutes, for two appointments to the Education Improvement Commission.

On November 19, 1997, the meeting started at 10:10 and finished at 11:27 am, a total of one hour and 17 minutes to review the intended appointments of Bill Saunderson, a member of the House of the 36th Parliament, who was being reviewed for the Ontario International Trade Corp, and also Marilyn Sharma, for the Social Assistance Review Board. Those were key positions. That was a total an hour and 17 minutes between two individuals, not one.

Thomas Reid, May 14, 1997: There were two people reviewed the day that he was here. He was with the Ontario Lottery Corp board of directors, so he was there for 30 minutes as well.

Brian Merrett, Niagara Parks Commission, on December 10, 1997: He was here for a total of 33 minutes. That was in total for the review and the concurrence. That meeting started at 1008 and finished at 1041.

I could go on and on, Chair, that for most people who appeared before this committee in the past it's been 30 minutes, and I think we ought to stick with that tradition.

**Mr Crozier:** I know full well where this is going, Chair. It's going nowhere, unfortunately, Tony.

I've watched this government time after time say they don't like the status quo. Well, here we are, we want to break from the status quo and they're concerned that we're going to bring a patronage appointment. I might as well get at that point of it now, because what we're talking about is that you're afraid we're going to attack a patronage appointment.

I tried to assure you that wouldn't be our line of questioning. We know that Isabel Bassett is getting this because she was a Tory. We know that most of those

appointments that appear on the orders in council are Tories. We understand that. But give me a break. Every once in a while I'm interested in something significant that's going to happen in the province of Ontario and I think that TVO is one of those important things.

If you're not going to give us that opportunity to have Ms Bassett outline the vision because you're afraid that your Tory patronage appointment is going to be attacked, then I understand that we won't get our hour.

**Mr Joseph Spina (Brampton Centre):** Mr Crozier, I understand your frustration, but previous governments have written the book on patronage appointments. That's not the concern. The reality is that if we can't as a committee do our evaluation in 30 minutes, as has been traditional, then we're not worth our salt. If Mr Crozier would like an extended period of time, if and when Ms Bassett is appointed I'm sure she'd be pleased to give him an audience to discuss more fully her plan for TVOntario. So I don't understand why he needs an extra hour just to make it look as if it's more of a patronage appointment than it is. Then it's purely political grandstanding and not the reality of the situation.

**The Chair:** Mr Martin, you had your hand up?

**Mr Martin:** I'm disappointed but I'm not surprised at the direction that this seems to be going. We've noted in this place over the last week three time allocation motions that for all intents and purposes cut off debate on very important pieces of business of the Legislature.

The role of the opposition has been diminished and continues to be diminished. Whenever we raise an opportunity to participate further, have some further opportunity to put on the table some of our concerns or ask some questions, we're told that's not on. I would be remiss if I didn't put that on the record here this morning. Here is yet one more incidence of where we, as an opposition, are simply asking for an extra half hour to interview Ms Bassett on a morning when we don't have anything else that we're doing. We are all members of this committee, and it's not like this committee is overworked or that we're meeting late into the night or anything. We didn't meet last week. The only person we've identified so far as somebody we wanted to discuss to this point has been Ms Bassett, and I don't know what the big deal is. I don't know what the problem is here.

You can quote precedent until you're blue in the face, but there are no rules around here that say you have to do one thing or another. If we agree as a committee that we want to give an extra half hour, particularly at Christmas-time when we're trying to be generous and co-operative with each other, I would think we'd want to do that. But here we are again. The government is flexing its muscle and letting us know they're in charge and we're not. We'll get a half-hour and we should be thankful we get that, and so be it.

1020

**The Chair:** Any other comments from any other members of the committee at all? No other comments. As Chair, I am neutral. I want to tell you I have views on this and not having been a Chair of a committee, you know



how difficult it is for me not to express views, but as the impartial Chair of this committee I found the discussion very interesting. I will now call for the amendment to the subcommittee report to be voted upon, the amendment which requests that Ms Bassett appear for one hour.

**Mr Crozier:** Recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Crozier, Dombrowsky, Martin.

#### Nays

Johnson, Kells, Newman, Spina.

**The Chair:** The motion is defeated.

**Mr Morley Kells (Etobicoke-Lakeshore):** The amendment is defeated.

**The Chair:** Sorry, the motion which is an amendment, yes, is defeated. Yes, Mr Martin?

**Mr Martin:** Mr Newman quoted rather extensively from a document in his discussion here this morning. I was wondering if it would be a requirement that that document be tabled so the rest of us can have a look at it.

**The Chair:** Mr Newman has put his comments on the record. If he wishes to share it, I suppose he can do so. Mr Newman?

**Mr Newman:** That's just research that I did. I think all members can access the library and find that information.

**The Chair:** I'll consult with the clerk to determine whether that is an actual requirement or not, if you'll hold on for a moment.

I would rule it is not a requirement that Mr Newman provide that. He may do so if he sees fit. He has on the record the statistics he has provided, and if he chooses to share those with members, that will be his decision.

The amendment has been defeated. Any discussion on the report as a whole? I'll then call the motion on the report itself. The motion was made by Mr Newman.

**Mr Bert Johnson (Perth-Middlesex):** Recorded vote.

#### Ayes

Crozier, Dombrowsky, Johnson, Kells, Martin, Newman, Spina.

**The Chair:** It is unanimously approved by the committee. Motion passed.

**Mr Martin:** When can we expect that Ms Bassett will be before us?

**The Chair:** The date for consideration is Wednesday, December 8, and the time for consideration is 30 minutes. Our meeting will be at the usual time of 10 am, according to the report we have adopted.

## COMMITTEE BUSINESS

**The Chair:** May I raise with the committee another potential problem, just a procedural problem, and I will consult with the clerk who may be able to help us.

The problem, through some further investigation, has been overcome. It's a matter of whether we deal with agencies with a separate subcommittee. That is not necessary. There was some thought, because of the procedures we go through that are set out, that we might have to have had two committees. We do not have to have two subcommittees. The idea would have been that it would have been the same subcommittee but simply for a different purpose. It's all to do with timelines and procedures. That's apparently been resolved, so we're not having a problem with that.

Is there any other business that someone wishes to bring before the committee?

**Mr Martin:** It's exactly that issue, and maybe I need some direction from the Chair and the clerk.

I want to broach the subject of bringing some boards or agencies before this committee for review. I was wondering when we could do that and is it something that we could do during the intersession? It's probably going to be a long one and we wouldn't want—I don't think the government would either—to move unilaterally ahead on changes to some of these organizations without we who have been elected having some opportunity to take a look at, review and report on just exactly what's going on.

For example, I put before the committee the amalgamation of the two gaming organizations in the province, the Ontario Lottery Corp and the Ontario Casino Corp, which are now going to be melded. Of course, the headquarters of the lottery corporation will probably then leave Sault Ste Marie, without having had any impact study done or study of any sort that we've seen to indicate why that would be an advisable thing to do.

When we're putting two relatively new corporations together, causing the dislocation that that's going to cause, I want to know how they're going to meld, who's responsible to whom and, at the end of the day, who's ultimately accountable. I don't know if you know or not, Chair, but the president and the chair and the CAO of the Lottery Corp is the same person. I know I have some questions about accountability.

I met in my office on Monday of this week with a group who were concerned about the growth in the gaming industry in the province without any plan. It seems to me that this government announced at one point they were going to have a province-wide referendum on gaming. That never happened. Now we're going ahead and we're melding two organizations.

When we look around and we listen to groups like the one that came to meet with me earlier in the week, gaming is growing by leaps and bounds; it doesn't know any bounds. It seems to me that here's an obvious example of an organization with all kinds of questions jumping out because of some of the things that are happening that



we might want to bring before the committee and have somebody answer some questions on. We might then report on what we found to the larger House and perhaps suggest some action that might be taken. That's just one.

There are numerous boards and agencies out there that are changing direction, doing things that they weren't initially intended to do, as this government implements its program for the people of this province with less and less need to be accountable to anybody, it seems.

This Mr Barbaro, who was the CEO and the president and the chair of the lottery corporation, was also in all three positions in the casino corporation. This is a very powerful man in an industry that is causing all kinds of anxiety to tons of people across the province and communities. I think it's incumbent on us to find out exactly what's going on, what checks and balances are in place and how this government is going to guarantee to the community of Ontario that integrity is going to continue to be the foundation upon which we build.

I guess I'm looking for some direction as to how we go about making sure that we have time to bring some of these groups before us.

**Mr Newman:** Just in response to Mr Martin's comments, the point that you raised today with respect to having agencies, boards or commissions appear for review might be an item that the regular members of the subcommittee might be able to deal with.

On that point, I'd ask Mr Pond if he might be able to provide a list of agencies, boards and commissions that have been reviewed by the government agencies committee for the 34th, 35th and 36th parliaments of Ontario.

**Mr David Pond:** Certainly.

**Mr Martin:** I'm just wondering how we go about having some of these extracurricular commissions and boards come before us, like the crime commission and the gas-buster commission and maybe even the office of the Ontario Olympics Commissioner.

**Mr Spina:** You won't get paid more money for that.

**Mr Martin:** I'm not questioning your integrity at all. I just want to know what these guys are doing and what the long-term plan is and whom they've been commissioned by. In some instances you may not be paid for it, but certainly when you're travelling around the province—and I know that the crime commission came to my community—I want to know how much is being spent on this kind of work, and is it good value.

**The Chair:** May I take this opportunity? First of all, Mr Newman is correct in that the regular members of the subcommittee would meet for the purposes of discussing what agencies may come up.

In terms of your specific question—because I also have to hear from Mr Crozier yet—as to which agencies are eligible to come before the committee, I would ask either our research officer or our clerk to indicate to you which are eligible to come before this committee.

**Clerk of the Committee:** As standing order 106(e) forms the basis for the committee's mandate, it sets out the agencies that the committee is empowered to review. It states that the committee may "review and report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the crown in right of Ontario is a majority shareholder."

**The Chair:** Mr Martin, if you were to make a proposal, it would have to fit within the parameters of the standing order under which this committee operates. Whether the gas-busters or the other ones you mentioned, the Olympics commissioner or others, would be eligible, they would have to fit within those parameters to be eligible.

**Mr Crozier:** Just a general comment to that: Mr Newman has asked that a list be provided of those that have been reviewed, because there may not be much sense in going over old ground; if that list then could be extended to include all those that fall within 106(e), noting those that have been reviewed and when, just so we have some idea of how broad this list is. I think, and here again it's a personal view, that this committee's time can be much better spent on that kind of thing than simply bringing individuals in for the sake of bringing them in. I think we can spend the time much better in doing that kind of thing. That's where my interest lies, anyway.

**The Chair:** The subcommittee will discuss that. I can report, Mr Newman, and I think the others on the committee would concur, that I did not hear an initial objection to looking at the possibility of having the committee review certain agencies. I did not hear an objection to that previously. That discussion would take place at the subcommittee. As you have suggested, the subcommittee may determine which, if any, agencies would be reviewed by this committee.

We also have, when the House is not sitting, appointments that are made by the government. Most of us will know that there is a provision to activate the committee for the purposes of reviewing certain of the appointments that take place when the House is not in session. I think it would be a very useful discussion. In a general discussion we had at the beginning, there was some thought that there may be some agencies we might wish to look at in some detail. Again, they would have to fit within the parameters of the rules that govern this committee.

Any other suggestions or discussion today before we bring the meeting to a conclusion?

**Mr Spina:** I move we adjourn.

**The Chair:** OK, moved by Mr Spina that we adjourn. All in favour? The motion is carried. The meeting is adjourned.

*The committee adjourned at 1035.*





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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 8 December 1999

# Journal des débats (Hansard)

Mercredi 8 décembre 1999

## Standing committee on government agencies

Subcommittee report

Intended appointments

## Comité permanent des organismes gouvernementaux

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STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 8 December 1999

Mercredi 8 décembre 1999

*The committee met at 1006 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** I'm going to call the meeting to order. For the purposes of Hansard, the meeting has begun. The first item of business we have is the report of the subcommittee on committee business, dated Thursday, December 2, 1999. You have that report before you. The subcommittee of course considers any and all appointments that are eligible to come before this committee and then there are selections made. It reads as follows—I'll just do it because it's brief:

"Your subcommittee considered on Thursday, December 2, 1999, the selection of intended appointments for committee review, and has agreed to recommend:

"That the following intended appointees from the certificate received on November 26, 1999, be selected for review:

"Official opposition party: no selections;

"Third party: no selections;

"Government: no selections."

Can we have a motion to accept the subcommittee report?

**Mr Dan Newman (Scarborough Southwest):** I'll so move.

**The Chair:** Moved by Mr Newman. All in favour? Opposed, if any? The motion is carried.

## INTENDED APPOINTMENTS

## ISABEL BASSETT

Review of intended appointment, selected by third party: Isabel Bassett, intended appointee as member and chair, Ontario Educational Communications Authority.

**The Chair:** We now move into the process of appointments review. As you are aware, there is half an hour devoted to this time today for the individual whom we will be dealing with. Also, the rotation in which I will go is one which the previous Chair used to follow: the official opposition for 10 minutes, the third party for 10 minutes, the government for 10 minutes. If we had further people before the committee, then it would rotate the other way. That is what the previous Chair followed.

Our guest appointee today, if I can say that, is Isabel Bassett, intended appointee as member and chair of the

Ontario Educational Communications Authority, the organization we know as TVO. Welcome, Ms Bassett.

**Ms Isabel Bassett:** Thank you very much.

**The Chair:** You have an opening statement, I understand.

**Ms Bassett:** Yes, I do. I'll read it now.

**The Chair:** Please begin.

**Ms Bassett:** I think the clerk is going to give you out a copy of my brief statement. Then I'll turn it back to you, Mr Chair.

First of all, I want to say to everybody I'm greatly honoured to be here today as a nominee for the position of chair of TVOntario. I want to take a few minutes to point out what I feel are my qualifications for the job of taking TVOntario into the 21st century.

As many of you may know who have known me, I have had, and I certainly continue to have, a deep interest in broadcasting, education, and culture. But I also have had other experience in leadership positions, both on boards and in government, that will help me, I feel, in leading the board of TVO.

To appreciate this, let me give a brief thumbnail sketch of the task ahead for TVO. Those of you who are familiar with TVO's history will know that its original mandate was to use the latest technology for educational purposes. Back in 1970, the latest technology was broadcasting and, for the most part, learning was aimed mostly at school-aged children. But in the year 2000, learning should focus not only on school-children but on people of all ages and at all stages of their lives and careers. Broadcast—and I'm adding this to the script—is only one of many new learning technologies on the horizon and already here. For TVO, this means adding to its broadcast tradition to include a whole host of technologies to enhance education.

The Advisory Committee on Technology in Learning recommended in its report last summer the creation of a new, non-broadcast division called the Ontario Centre for Advanced Technology in Learning, or OCATL for short. OCATL will have a mandate to bring overall direction and coordination to integrating the use of a broad range of technologies in support of lifelong learning for all Ontarians. I feel my background and experience will help me guide this outstanding institution into this new area while appreciating and preserving the strong educational aspect of TVO's existing broadcast division.

I've had first-hand knowledge of the importance of a quality education system. I started my career as an edu-



cator, teaching high school at Humberside Collegiate in the west end of Toronto. A good educator recognizes the value of being a good communicator, and that's something I picked up very early on in my career, especially when I became a newspaper reporter focusing on education in schools.

As the television industry began to boom in Toronto, I moved into broadcasting, where I spent a significant part of my professional career as a reporter and a documentary producer. Although I was working within the then new field of broadcasting, I was still very much an educator, having traded the classroom for broadcasting as a way of telling a story to the public about social and political issues. I also learned a tremendous amount about the impact and importance of quality broadcasting, and the need to deliver it effectively and efficiently.

During this time, I also learned about the importance of contributing to one's community. My roots in education led to my involvement with the then Ryerson Polytechnical Institute, where I served on the board of governors for several years, ending up as chair of the board. Subsequently, I returned to Ryerson to serve on its newly formed university foundation. I recognized the need then for Ryerson to keep abreast of change and competition, and I worked with the government to help the organization obtain university status, which it did after I had left.

In addition to my work with Ryerson, I also served as national co-chair for the James Robinson Johnston Chair in Black Canadian Studies at Dalhousie University, which is the first chair in black studies at any university in Canada; as a director of Trinity College School; and as a committee member of the senior advisory council for the Alliance for Ontario Universities.

My interests have not been solely limited to broadcasting and television and education. Any enterprise that is going to thrive and prosper has to make a good business case. My experience in business has been as an MPP, serving both as parliamentary assistant to the Minister of Finance and as Minister of Citizenship, Culture and Recreation, and as a board member of Brascan Ltd.

This has provided me with a strong background in business planning and it's also shown me the value of strategic linkages between private and public sectors, and the need to work together with people to move forward into new areas.

This government has identified the need to have a centre for the latest technologies in learning, OCATL, to make these technologies accessible for all Ontarians and to deliver them to provide for our lifelong learning through workplace training and leading-edge technologies.

As chair of TVOntario, I look forward to drawing upon my experiences to work with this government; with the Minister of Training, Colleges and Universities, Dianne Cunningham; and with the TVO board to implement the new lifelong learning vision for TVOntario.

Mr Chair, I am honoured to have been nominated for this important role at this turning point in the history of

our public broadcaster. I'd be happy now to respond to questions.

**The Chair:** Thank you very much, Ms Bassett. I'll go to the official opposition.

**Ms Caroline Di Cocco (Sarnia-Lambton):** Ms Bassett, what is your position on privatization of TVOntario?

**Ms Bassett:** My position is that I agree with the direction that the government has stated in the report published by the advisory committee on technology in education, I think it's called, that states very clearly, as the then Minister of Privatization Rob Sampson pointed out, that we are going to keep TVOntario. The government is going to continue to be involved. It is going to have its traditional broadcast division, but it is going to add a new division, the new media division, which involves latest technology. In terms of that, the decision has already been made: TVOntario is not going to be privatized.

**Ms Di Cocco:** I was listening intently and one of the comments of course is this new educational mandate that it has been given. Can you tell me exactly what that means? Lifelong learning has been something in the education system; it's a continuum in education. But when you say you're in the process of changing TVOntario to have this "educational mandate," could you explain what you mean by that?

**Ms Bassett:** What's happened over the years is that TVOntario has moved in some directions maybe away from what might be seen as pure education, although anything you see can be seen as education. But if you look at things such as the curriculum and you look at areas of Ontario that maybe aren't party to the same kinds of opportunities as you have in major centres in Ontario, we have to be sure that the TV system, however it's set up with the new media, is taking programs that impact on the curriculum to everybody in Ontario. That's exactly what I'm talking about. We're talking about linking as much as we can up to the curriculum for school-age children. Second, in terms of lifelong learning, when I started out you mostly thought of formal education as stopping when you got through university, if you went to university. Now people are thinking of having a career for so long, then maybe changing to another career. If you look at TVO now, they have programs on that talk about becoming caregivers, all the different careers that people need to study up on. This kind of education and training can be delivered on TVOntario.

**Ms Di Cocco:** It's becoming an arm of the education system. Is that what you're—

**Ms Bassett:** Yes, it's already there to a degree. But we're going to focus on it more, mostly because the change in the times demands that whether you use our TV system or go out and take courses somewhere else, as most of my friends might be doing to get another job—we're helping. This is what the mandate of this institution was originally, to be an education. It's just that the needs of education are changing.



**Ms Di Cocco:** TVOntario has evolved and it provides, I believe, valued and unique service. It's a balance of quality broadcasting, different types of broadcasting. There are public affairs programs such as Studio 2. Is that type of program then going to be eliminated because it's not qualified under this so-called educational mandate?

1020

**Ms Bassett:** I don't know whether it's qualified under the so-called educational mandate. I would think, from my point of view, that it probably does serve a huge purpose in terms of education. But that will be determined by the board. I haven't got there yet. That's the purpose of this hearing, to approve the appointment. So when I get there, we will sit with the board and together we'll make a decision.

But if you look at five years ago, there were a whole number of public affairs shows maybe talking about the kind of thing that TVO is doing now. I think now, because of the cost of delivering that kind of program, there are very few, if any. I would think the kind of program that Steve Paikin is doing is highly useful to the curriculum that this government has brought out that enhances civics.

All of you around the table are politicians. You know what it's like to knock on a door and somebody says, "We don't vote." We're trying to change it so that people in the school system begin to learn—for whatever party; we're not pushing one thing—that you know what the system is about, how government works. In the education ministry we have enhanced that curriculum. I think Steve Paikin's program could be seen to add to that.

With the new media, if I can just add, we will be able to maybe call that show up on demand. Often Friday nights, if I don't get home on time, I don't get it. With the new technologies, you'll be able to push a button like you can in a hotel and watch it at your own convenience.

**Ms Di Cocco:** My biggest concern, I guess, has to do with the subjective nature of what you call "educational mandate." "Educational" is very subjective in qualifying what it is. In your role of setting the goals and objectives for the agency, how are you going to qualify the subjective nature of what the educational mandate is?

**Ms Bassett:** As a former teacher and a lecturer at York, I think you weigh how many hours of broadcast time you have and you weigh the costs and you decide what a program can deliver and how useful it is to the overall curriculum. I'm the first to say that anything you look at is going to add to your intelligence, or most things. But one program might add a huge amount more than another program in terms of what we're trying to deliver in our education system. For example—I don't want to use up all your time.

**Ms Di Cocco:** One of the other questions I would like to ask is, you've said that this is not going to be privatized and you also suggested that it's going to be a venue to educate people on what the government is doing with regard to education, I presume. Is there not some type of conflict here in programming what you consider educational? Could it possibly have a conflict in

bringing, let's say, what had happened prior to our election of this year, and that is to use that venue as an arm of educating people on what the government is doing? Could that not be a conflict?

**Ms Bassett:** I don't see that as a conflict at all. For example, you raised the question of Studio 2. In terms of the exchange of ideas, there are certainly many days when they're not particularly flattering towards our government. You want a venue for ideas and that kind of thing. If you're saying, are we going to use TVO to have a track, like, "This is what you might think," I would think not at all. I'm not looking at it that way. I'm talking about the Ministry of Education curriculum, and because you were talking about Studio 2, I talked about our enhanced civics program in high schools, which most people believe is highly necessary. That's why I used that particular one, but you could take history, you could take botany, algebra, anything.

The great thing is, if you look at what's happening in the BBC, where they're on the cutting edge of some of this stuff, they use the traditional broadcast system and then in the new media, after the show is over, they'll say something like, "Tune in to" this, this, this, online or off-line, various places, "for more information." Kids, who often relate much better to that kind of thing, are picking up and enhancing their education that way. That's the kind of thing we're saying. I think we'll go much further.

If you hang out in video arcades with all the kids who drop out of school—they beat me all the time on games, that kind of thing. They're really smart at that, so why are they dropping out? Why don't we use those games, educators are asking, as a way of captivating a young person's mind, to teach him or her something so they don't fall behind? That's what the new education is trying to do.

**Ms Di Cocco:** In light of the French-language broadcasting that is on TVOntario, how does it fit into this part of this educational mandate you're going to be promoting and implementing?

**Ms Bassett:** I think it'll fit in exactly the same as TFO has always fitted in. TVO has a mandate to deliver services to all Ontarians.

**The Chair:** Thank you very much. I hate to interrupt in the middle of the answer, but it's Mr Martin's turn.

**Mr Tony Martin (Sault Ste Marie):** Thank you very much for coming before us today and for this opportunity.

**Ms Bassett:** Thank you.

**Mr Martin:** There certainly are some concerns out there re your appointment to this job, and one of them is the obvious partisan nature of the appointment. There's no doubt but that you were a member of this government, have some strong connections to this government and bring with you some both publicly and privately stated plans, certainly your support of the whole privatization initiative.

**Ms Bassett:** We're not privatizing; sorry to interrupt you.



**Mr Martin:** That's what you say today and we hear you, and actually those of us who are concerned about that are certainly relieved that you're saying that here today.

What I am wondering is, how much influence—that's you saying that. You are obviously a very partisan appointment. We've had a number of them over the last four to six months since this government has been elected, as they try to shift Ontario in a particular direction and to enhance their potential in doing that. Is this not a concern for you? Should we not be concerned about the very partisan nature of your appointment?

**Ms Bassett:** No. You have your own feelings. Obviously I feel I'm a well-qualified person for the appointment, for many reasons. One, I feel I've got a love—I come from a whole background of people who are committed to education. I believe in providing a good education to everybody. Second, I believe strongly in the power of television as a means of being an educator, or the latest technologies, as I mentioned before.

Maybe I can argue, knowing the government's desire to move TVO forward, that moving it forward doesn't mean to say it's threatened. Every single broadcaster in this country, and look at the States or England, has had to change to keep abreast of the times. Just because you change or move forward or add, as we are going to do in this case, doesn't mean to say you neglect or leave behind something else. You make them work together.

**Mr Martin:** It's my view—you can tell me if I'm wrong here—that you're not really moving TVO forward, that you're in fact moving TVO backward.

**Ms Bassett:** Why?

**Mr Martin:** You're taking them back to their original mandate. TVO has evolved as a vehicle in this province to do a number of what I consider to be very valuable things. What you want to do is take it back to its original mandate, which is actually taking it backward in my view.

**Ms Bassett:** What, education?

**Mr Martin:** And your narrow definition of education, because we've seen what you've done to the education system in this province and the move in education to privatize a whole lot of that operation.

What's to make us comfortable that with your connections and the obvious influence this government will have on you because of where you come from and who you hang out with, you won't in the end submit to their desire to privatize everything that moves in this province?

**Ms Bassett:** Let me just talk about privatizing. In terms of the former minister of privatization, Rob Sampson said that TVO was going to—you've seen the press release; that's what he said last year. So now, if you look at what TVO is already doing, they already have, which Peter Herndorf set up: deals with other companies. They co-produce. They have in effect, without privatizing the system, made deals. They co-produce, they buy shows, they don't produce everything. There are a whole variety of ways. They work with the business sector to get them to produce.

I saw, looking at Imprint the other night, which is one of the things I try to look at frequently, that Indigo Books sponsors it. They've already moved in that direction.

**1030**

What I'm saying is I'm going to use my connections in the business community and my know-how around how government works—and God knows you need to know how government works if you want to move something forward—to help keep TVO as strong as it has been in the past.

**Mr Martin:** Which adds another piece to this whole thing, and this is the question of the possible conflict of interest that you might have in terms of your own private interests. What is your connection with CTV?

**Ms Bassett:** That's a fair question. I have no connection with CTV. As you know, my late husband was chair of the board of Baton. He never was at CTV. Because I knew that you would be concerned about that—I have no shares in CTV—I have gone to the Integrity Commissioner and I do have a letter that I can leave with the clerk or the Chair, whatever the process is, and you're entitled to take one away. My holdings do not conflict in any way with what TVO is involved in.

**Mr Martin:** My colleague would like to ask a question.

**The Chair:** Mr Marchese.

**Mr Rosario Marchese (Trinity-Spadina):** Thank you. I'm sorry that I couldn't be here earlier to hear your answers to the other questions.

**Ms Bassett:** How are you?

**Mr Marchese:** I hope you're keeping well. I imagine you are.

**Ms Bassett:** I am.

**Mr Marchese:** Some people are very concerned—I imagine my colleague Mr Martin might have pointed that out—in terms of your appointment. Some are happy, of course, and some are not. I'm worried. You've cut \$20 million from TVO. That's a big concern of mine.

The other big concern is what you did when you were the minister, that is, to split up TVO into two parts, which I saw as the incremental destruction of TVO. Obviously, you wouldn't categorize it that way.

**Ms Bassett:** What do you mean, two parts?

**Mr Marchese:** I favour keeping TVO the way it was and you've split it into two components.

**Ms Bassett:** You mean the new media, the latest technology?

**Mr Marchese:** Yes. I saw that as the beginning of the destruction of TVO because you couldn't privatize immediately.

**Ms Bassett:** Let me tell you how it works.

**Mr Marchese:** No, I'm not concerned about how it works so much as what you're trying to do with TVO.

The \$20-million cut is already, for me, the biggest part of the destruction of TVO, and the second part is how you could get to privatizing it. I believe you've begun doing that by the way you've divided TVO into its various functions.

My concern is—and it's the concern of people like Mr Vanderburgh, the head of television and video in Ryerson



School of Radio and Television Arts, who says, "You have to wonder why the government would appoint somebody who advocated selling it."

**Ms Bassett:** I didn't advocate selling it.

**Mr Marchese:** Have you ever advocated privatizing it?

**Ms Bassett:** No, I've never advocated privatizing it. I think what you're alluding to is, in case you're too shy to bring it up, Mr Marchese, during the election somebody at the door said, "Are you going to privatize TVO?" Rather than lie, which I wasn't going to do, I said, "I'm not in favour of the status quo." Nobody in broadcasting or any company is in favour of the status quo. You die. I'm in favour of moving forward; I'm not in favour of privatizing. The government, Minister Rob Sampson, the minister in charge of privatization, made a statement when he was advocating the creation of OCATL that we would be adding a new division. They're complementary, and your children would know how useful all these technologies are.

**Mr Marchese:** Absolutely. For sure.

**Ms Bassett:** For example, if you have a show—you missed it, so I've got to tell you—say, on submarines and it was on the traditional broadcast system, at the end of the show you could then say, "Tune in for more information," and your child then would go and find out how the system works, the dynamics, the physics, everything, on games that are all interactive that are terrific learning experiences.

**Mr Marchese:** Fair enough and I agree with that.

**Ms Bassett:** That's what we're going to do.

**Mr Marchese:** Do you think that the \$20-million cut has injured TVO in some way or other?

**Ms Bassett:** I think TVO is a wonderful place. It wins all sorts of awards.

**Mr Marchese:** I understand that and I agree.

**Ms Bassett:** No, I don't think it—

**Mr Marchese:** So the \$20-million cut hasn't hurt them in any way?

**Ms Bassett:** They've gone to the private sector and got the money through their fundraising, and they've probably brought more people into it to be aware of the importance of this kind of television station. I think it's probably been a good thing.

**Mr Marchese:** Ian McPhail, interim TVO chair, said he's delighted with your appointment. He said, "Her background and education in broadcasting and politics is ideal for the position." He's got a lot of hopes for you, obviously. What is it again, for my benefit, that you will bring to TVO as part of your political experience in connection to them and part of that background?

**Ms Bassett:** First of all, I bring a love of what I'm going to be doing and a knowledge of it, but secondly, I will bring a knowledge of how government works. I think it's very important, if you want to get anything through and get a board onside and then move your agenda forward, to know who the right people are to talk to, how to get the business community—

**The Chair:** Thank you very much, Ms Bassett. I have to go now to the government party; Mr Newman.

**Mr Newman:** Chair, how much time do we have left?

**The Chair:** Three minutes was used for the opening statement; you have seven minutes.

**Mr Newman:** I want to welcome Isabel to the committee today.

I want to begin by stating that the four government members here will be supporting your intended appointment as the chair of TVO. We feel that your experience as a teacher, as a broadcaster, as an MPP who served in the 36th Parliament and as a minister of the crown will definitely serve TVO and the people of Ontario well. So we'll be pleased to support that.

I simply want to put on the record—the issue of partisanship came up. I want to say to Mr Martin today that I don't believe the intended appointment of Isabel Bassett is any more a partisan appointment than the appointments of Marion Boyd, Tony Silipo, Floyd Laughren and David Cooke, who were all former members of your NDP caucus.

**The Chair:** Do any other government members have comments or questions?

**Mr Joseph Spina (Brampton Centre):** Ms Bassett, welcome, thank you, and I trust after today we'll be able to extend congratulations.

I just wanted to position a question. With the seemingly increased value of programming that we have seen with TVOntario recently, one of things we have seen an increase in is contributions from the public and the private sector. Do you think that's a testimonial to the quality of programming? Is it an indication of the private sector finally acknowledging that this is a valuable asset to our educational community?

**Ms Bassett:** Yes, I do. Anytime you can get the public involved, whether the private sector, the corporate sector or individuals, I think it benefits an institution. There's no question that the outpouring of support for TVOntario—which isn't surprising at all for any of us who have watched it all our lives. I think it just shows that it's a valuable institution and it has great people working for it. It has first-rate shows. I think the corporate support of that shows that we can make it thrive if we keep moving it forward and don't stay mired in the past totally; you'll have to move ahead, adding on, as we're planning to do.

**Mr Spina:** You also indicated that you have, obviously, by your CV and by your comments, a substantial network of corporate associates, acquaintances and contacts. Do you see that as something you could perhaps utilize or, dare I say, exploit, to support the advancement of a program like OCATL?

**Ms Bassett:** I'd give them opportunities to support this valuable institution, of course. It's like raising money for the chair of Black Canadian studies. If you know places that have an interest in supporting a certain thing, you can say how it connects and how it will benefit them, as Indigo Books—obviously the administration of TVO now got them onside for Imprint, which is a show on writing.



**Mr Spina:** The program that you instituted on Black studies I found very interesting, because it clearly resulted in an honorary doctor of laws from Dalhousie. Can you expand on that a little bit? Because I think that's really a success program of note.

1040

**Ms Bassett:** It is a success program, because what we did was—there was no chair, whether it was Jewish studies, women's studies, Asian studies, no chair in Black studies. We decided that in Canada there was only one place you could do it. Since the oldest indigenous Black population is Dalhousie, we did it at Dalhousie, which is in Halifax.

I raised, I think, \$2 million or \$3 million—it's still coming in—for the chair. Lincoln Alexander helped. We went around the country and got the Black populations from different islands in the Caribbean, as well as the indigenous Black population, onside to unite, which five or six years ago wasn't so easy to do.

I went right out to Vancouver, talking with various members of the Black community. Together, it was something that all Canadians felt was very important. I got major contributors—banks, everybody else—to give money. I would hope for TVOntario, if they're not already supporting, we can do something along the same lines to support various programs in education.

**Mr Spina:** That's marvellous. Thank you.

Unquestionably, the talents and experience of this individual are unparalleled. I would fully endorse the appointment of Ms Bassett to this position.

**The Chair:** There's a minute left for the Conservatives, the governing party, if they wish to utilize it.

**Mr Bert Johnson (Perth-Middlesex):** I just wanted to remark on the vast difference between a politician and an educator. The look on Ms Bassett's face today has changed from the last time I would have seen her. A lot of us think there might be pressures on politicians.

Isabel, you have the remarkable presence to show us that getting into your heart's work will do you a world of good, and those that you touch.

**Ms Bassett:** Thank you so much.

**The Chair:** Thank you very much, Ms Bassett, for appearing before the committee.

The committee, subsequent to this, will make a decision concerning your appointment. You are welcome to stay for that debate and discussion and decision, should you see fit, or to depart, whatever is your choice. Thank you very much for coming before the committee today.

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Chair: Since Ms Bassett is here and there are so many questions that need to be answered, I would move unanimous consent that each caucus be given a further 10 minutes to examine this very prominent witness.

**Mr Newman:** Actually, Mr Gerretsen, last week at the committee this was discussed. It's standard practice for a committee for intended appointments to appear for 30 minutes. We've already debated this issue.

**Mr Gerretsen:** OK. I realize that. There were just so many wonderful things that I was going to say about Ms Bassett at this stage, as part of our presentation here, which I guess we'll just have to forgo for now. It's always nice to see you, Isabel.

**Mr Martin:** I would like to second the motion. I still have a whack of questions that I need to ask.

**The Chair:** I did not hear an official motion before the committee.

**Mr Martin:** It's not even 11 o'clock.

If you could put the unanimous consent—

**Mr Gerretsen:** The rules can be changed.

**The Chair:** Are you moving a motion?

**Mr Gerretsen:** I'm moving unanimous consent that each caucus be given another 10 minutes.

**The Chair:** Is Mr Gerretsen officially a member of the committee? He is not. Mr Martin is.

**Mr Martin:** I move a motion, that we sit for at least an extra 20 minutes. The government side doesn't seem to be interested in another 10 minutes.

**The Chair:** I just need the motion, not whether the government side is interested or not. If you have a motion, would you state it clearly, please.

**Mr Martin:** I move that each caucus be given another 10 minutes.

**Ms Di Cocco:** I'll second it.

**The Chair:** Doesn't need a seconder.

There are only three voting members on this side, four voting members on that side. I should say Mr Gerretsen is not a voting member of this committee. I don't think there's any need for discussion. All in favour?

**Mr Martin:** Recorded vote.

**The Chair:** A recorded vote. OK.

## Ayes

Di Cocco, Dombrowsky, Martin.

## Nays

Johnson, Kells, Newman, Spina.

**The Chair:** The motion is defeated.

**Mr Gerretsen:** Could I be recorded as opposing the results of the vote at this point in time?

**The Chair:** No, you cannot be recorded as opposed.

**Mr Newman:** I move concurrence of the intended appointment of Isabel Bassett as member and chair of the Ontario Educational Communications Authority.

**The Chair:** Mr Newman has moved his motion. Any discussion of the motion?

**Mr Martin:** I have to say that to some small degree my fears about the public pronouncement of the appointee have been allayed, that she's not going to privatize TVO. However, as I suggested in my questioning, who knows what influence will come upon her once she takes on the role and begins to operate and actually takes control of the levers? I'm worried.

There were some public statements by herself, and there are some folks who infer that she did, off the record, suggest that privatization was the way to go. She



did, in her comments, mention that she believes that to some degree that perhaps has already happened. It worries me that a vehicle set up by a previous Conservative government, and given the track record of this government in terms of turning things over—education, health care and the list goes on—to the private sector, to the detriment of those particular functions—I think the Provincial Auditor was very clear in his report this year that a number of these privatization schemes are not panning out quite the way they had projected. There are financial concerns; there are safety concerns; there are quality concerns about all of those things. I suggest to you that we should all have the same concerns if TVO goes down that road as well and ends up being privatized—not to speak of the fact that Ms Bassett does still have some, however indirect, personal interest in the private sector broadcasting industry. That worries me and that concerns me.

Even though we've got a letter here from the Office of the Integrity Commissioner that was handed out to all of us, that suggests there's no problem with her appointment in respect to the Members' Integrity Act of 1994, it goes on to say that an exemption has been made in this instance which falls under the heading of "Further duties in the service of the crown." That certainly doesn't make me any more comfortable, that we have here a circumstance where a member of the executive council, some short time after losing her position, has now been appointed to a position where she will obviously further her own interests and those of the government. Those are two concerns that I have: the political, partisan nature of this appointment—the government caucus can make the point that yes, they've made a few token appointments of Liberals and New Democrats over the last period of time. A couple of the people they mentioned go back a lot further than the last election. They've obviously reached down deep into the barrel to find some names that they could bring forward. Yes, there have been a few.

I would suggest to you that anybody looking at that would recognize that appointing people from other political persuasions is probably a good thing. A government that was interested in integrity and actually doing what it said it was going to do and changing government and the way government operates shouldn't be so readily willing to make these very partisan appointments which, in my view, sends the wrong message out to the people of Ontario: If you're a good and faithful servant, if you buy into the program and belong to the right crowd, under this government you'll get the good appointments. That seems to be what we have here.

The other thing I want to put on the record is that—considering that we're not only talking about TVO here; we're talking about TFO—this is the very first time a government has made an appointment to this board of a chair who is not bilingual. That has to be a concern.

**Mr Spina:** You don't know that. You didn't ask her.

1050

**Mr Martin:** I believe that's true. I'm putting on the record here that we have a person appointed to chair this board who is not bilingual and who does not have, from

what I can gather from looking at her background and biography—

*Interjections.*

**The Chair:** Heckling is out of order, I'm told. I'm certainly looking forward to the comments of the government members in just a moment. Continue, Mr Martin.

**Mr Martin:**—who is not bilingual and who has no significant track record of involvement with the francophone community in Ontario and in Canada. I think that has to be a concern to the francophone community.

This government has shown over the last few days here in this place that they're not interested or concerned or sensitive at all to the issue of bilingualism. They've amalgamated two of the biggest municipal areas in our province, Ottawa and Sudbury, which were, previous to this amalgamation, officially bilingual, and there's no reference to that whatsoever. If the government is wanting to move away from a track record of recognizing the duality of the nature of this country and the efforts that have been made by previous governments of all stripes to make sure our francophone partners in this endeavour get services and are understood, and that there are sensitivities around their issues—we haven't seen that here.

Over the last couple of weeks we've had legislation introduced to this House that has been totally insensitive to the francophone factor. We have somebody being appointed here this morning to an organization that has both an English and a francophone component who is not bilingual and who has no track record, that I can see, of involvement with the francophone community. I think that should run up all kinds of red flags for all of us.

With that in mind, I have to say that I won't be supporting this appointment this morning.

**The Chair:** I have Ms Di Cocco, Mr Spina, Mr Kells and Mrs Dombrowsky so far on the list. Any others? Mr Newman as well. OK.

**Ms Di Cocco:** I also will not support this appointment. I do so not because of qualifications—because her CV is quite extensive—but because of the tremendously partisan nature of this appointment. When we're talking about TVOntario, we're talking about a broadcasting entity that, from what I have heard this morning, is going to be another top-down dictum of what is best for the people of Ontario. I find that offensive, because I believe TVOntario has provided a valued and unique balance of broadcasting. We're now going to take it and qualify it under this very subjective "educational mandate." Education, if one understands the concept of education, is all-encompassing. It isn't to be qualified by a board, what education means or does not mean and how it fits into TVOntario.

The other reason I will not be supporting this appointment is because of the potential conflict that is there. Although I have not worked with Ms Bassett, nonetheless I find that the linkage to government is so blatant and so evident. When it comes to her responsibility of setting the goals and objectives of the agency and recommending them to the minister, the question is, whose interests



is she going to be forwarding, or which one is she going to be advocating? Is it going to be the interests of TVOntario and good broadcasting and education, or is it going to be the interests of the Progressive Conservative government? This is why I asked the question whether or not they were going to use this vehicle as a way to move forward some of the partisan agenda on the television screen.

One more comment that I will make on this: As I said, I do find extremely inappropriate and very blatant the fact that again—what about the people who actually do the programming and the people who actually work and give their commitment and dedication to providing great broadcasting and good programming? I believe they are another sector that is going to be dictated to as to what exactly is going to take place.

I find that the partisan nature of this appointment does not sit well when it comes to an agency such as TVOntario. If we're going to move forward, I believe these types of appointments do not give credibility to what we are doing as a government in trying to provide a medium. We want to call it education. If we're going to not only give a mandate that has changed completely according to a top-down dictum, are we also going to shape to that degree what is going to be presented on TV now for students? As I said, I do not have any assurance and I don't feel confident that this vehicle isn't going to be used for partisan education.

Again, maybe I'm naïve—

**Mr Morley Kells (Etobicoke-Lakeshore):** You are.

**Ms Di Cocco:** Yes, maybe I am naïve, but I don't believe it's appropriate. Anything this blatant, as far as I'm concerned, is very questionable at the least. But of course I have to say that what I have been hearing on my side of the House, if you'd like, if I had not been witnessing it, I would not have believed it if somebody had told me. I'm very new to the world of politics, but I find that this appointment, in my estimation, is offensive to the people of Ontario.

**Mr Spina:** I find it amazing. We went through this over the years, about partisan appointments, and I said it last year and the year before, as I sat on this committee, to members of the Liberal caucus, the Liberals wrote the book on patronage, so don't give me a lecture on partisan appointments, madam.

The reality is that I was very disappointed in your comment ignoring, in fact, Ms Bassett's qualifications and focusing only on the fact that you felt this was partisan in nature, when clearly a CV such as this is outstanding and very few people would be in a position to be able to bring that forward in terms of their experience, knowledge and breadth of contribution to the position.

Mr Martin, you indicated that the appointments of former NDP members were token. Then you also, two sentences later, indicated that—and we can check Hansard for the accuracy of this—clearly we only like to make appointments of people that will think in the way that the government wants them to think. I can only assume, therefore, that your former NDP ministers, some

of them, have suddenly bought into the Conservative mindset. That's the only question I can ask, Mr Martin.

The integrity exemption puzzles me. If you read the letter from the Integrity Commissioner, it says that the exemption is only a time frame, which means that it's 12 months from the time that the individual ceases to be a member of office of the executive council. "However ... provides for an exemption with respect to 'further duties in the service of the crown.'" That's the reason why that exemption was exercised. But they ignore the subsequent paragraphs, so your personal opinion, in my perspective, holds no weight about her personal financial investment holdings because, clearly, all of the financial holdings in the first paragraph were submitted to the Integrity Commissioner. On the bottom of the front page Mr Justice Rutherford says: "... it is my opinion that your present financial holdings do not place you in a conflict of interest should you accept the appointment as chair of TVOntario." I think that if you challenge that, you clearly are challenging the integrity of Mr Justice Rutherford himself.

**1100**

With regard to the bilingual issue, with all due respect to the member from Sault Ste Marie, check the CV. This lady was a qualified French teacher and is in fact relatively fluent in French. So I don't think the fact that this was a non-bilingual appointment carries any water, carries any weight with your particular criticism in that regard. However, there are other areas where you may choose to attack this government. I don't think the impunity of Ms Bassett's skill sets is really what's under attack here; there are other motives.

I just want to make those comments on the opposition comments. Further, I think this person is without question one of the best candidates we could possibly entertain for this particular position of chair and CEO of TVOntario.

**The Chair:** Just for clarification, and perhaps our research officer can help us out, is it both chair and CEO?

**Mr David Pond:** Yes.

**The Chair:** It is both. Thank you. I had heard somebody say something about it was separate. I didn't know whether it was or not. So thank you for that clarification.

**Mr Kells:** I won't take much time, but I have been listening for the last two or three weeks to the member from Sault Ste Marie as he has expressed over and over his concern about appointments and, if I may paraphrase, patronage elements that he feels are in the system.

I had planned on doing this some other day, but I'll do it today. I wonder, if the member from Sault Ste Marie had been unfortunate enough to lose the election last time around and this government had appointed him to the Ontario lottery commission, would he have considered taking the position? I wonder, if he should be unfortunate to lose next time around and we be fortunate enough to win and that same potential appointment came up, would he consider it at all?

I don't expect him to answer that today, but I would like to have that on the record, because somewhere along



the line we have to get down to the business of evaluating these people without necessarily bringing in the so-called bias or patronage factor each time. I can say that with some experience because I was fortunate enough when I lost in 1985 to be appointed by the Liberal government of the day to the Rent Review Hearings Board.

I must say I enjoyed that work, although I thought it was the most barbaric piece of legislation to ever pass in this House. It served to cause the tenants in Ontario irreparable damage. I had difficulty from time to time while serving, trying to arrive at decisions that gave huge increases to landlords, knowing full well that that same legislation was not intended to do that, but it was so badly written with the co-operation of the Liberal-NDP government of the day that we were forced to deal with it. So I have an understanding of what ex-politicians face when they take these board appointments.

Finally, if I may make a small comment on Isabel Bassett, I had the pleasure of working at the Toronto Telegram back in the late 1950s and early 1960s when Isabel and I were there. One of my duties was to run the student trains to Stratford to the Shakespearean festival. My wife and I both worked on those trains and spent many hours on the way to Stratford discussing education with Isabel, because she was the education reporter for the Telegram at the time. My wife actually wanted me today, but I didn't get time to get it in, to bring her congratulations to Isabel. I fondly recall those days with students and that experience at Stratford on a regular basis.

As you can see from her CV, she not only has that kind of experience, hands-on, dedicated, detailed, but she has continued over the years to add to that illustrious background. In all due respect, I understand it's the first duty of the opposition to oppose, but I felt that possibly we might see a little charity today in regard to the obviously outstanding abilities of Isabel.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Here's some opposition charity. I think the credentials of Ms Bassett are quite outstanding; truly I do. I was most impressed when I read her CV. I also had the opportunity to meet her personally before we began. I'd not done that before and she truly is a charming lady. From that perspective, I would never present an argument that she would not be qualified for this very important role at all.

However, I do have significant concerns about a number of things related to her appointment: the fact that she is appointed as both the chair and the CEO. I come from school board experience, a former chair of the board, so I'm using that experience. I'm making the connection that it would be like having the director and the chair of the board being the same person. From my own life experience, I think that would present significant problems if you had one person functioning in both of those roles. Would it not be more appropriate to have Ms Bassett as the CEO with an elected chair?

Like my colleague, I'm new to this role, but this is a question that came to my mind immediately. I think it is

most unusual to have one individual serve in those two key roles. In the corporate world, how regularly does that happen? Usually they are different people. One is accountable to the other. The administrative body is accountable to the governing body. In my opinion you cannot serve two masters. You're either an administrator or you're a governor, and I don't think you can do both and do them both well. So I have very serious concerns about the nature of that part of the appointment.

There are some statements made in the document that Ms Bassett circulated today and also some statements that she made during her conversation with us that have alarmed me. On page 2 of her document she has indicated, "Any enterprise that is going to thrive and prosper has to make a good business case." She talks about her government experience basically. It has provided her with "a strong background in business planning," and it has also shown her "the value of strategic linkages between private and public sectors, and the need to work together with people to move forward into new areas."

I think we know that the pattern of the government which she participated in was to cut, to withdraw support; in fact \$20 million was taken away from TVOntario. Ms Bassett said today she thought it has possibly made TVO better. That's a very easy statement to make. I think it would be much more difficult to prove how an organization could be better after \$20 million had been taken from it. The concern I have of course is that the government, with its penchant—and very clearly there are going to be more cuts, and very possibly cuts to TVO. I see the CEO and chair with a very biased perspective that this is going to make TVO better. I don't believe that will be the case. I do believe, though, that there is a person now in the chair and CEO who will go to the wall with that mindset, that yes, it'll be better, that we can cut and still do things better.

I don't think that if you were to talk to people who actually work at TVO, they would say that cuts are good, that you can improve programming. I have a serious question about the kind of representation we will see from the person of the chair and CEO. If it is the government's decision and direction to in fact make reductions to this very important educational venue in Ontario, I would feel much more comfortable if there was someone who would not have had experience with a former government that has a significant record in distributing cuts.

1110

Again, I would like to emphasize that I do believe that in the area of broadcasting, the candidate is very well qualified, but that in her past political associations she has demonstrated very strongly that she supports the idea of reducing support to educational agencies in this province concerns me greatly. She has said she is not in favour of privatization. She did not tell me or this committee today that if the Premier were to announce the privatization, she would not effect it.

Those are my concerns, and for these reasons I would not be able to support this candidate.



**The Chair:** I have Mr Newman as the next speaker.

**Mr Newman:** The opposition members have given me so much to comment on today, but I'll try to be as brief as possible.

With respect to Mr Martin's comments about Ms Bassett's ability in French, I think it's important to note, as has been stated, that she does have a teaching certificate in French and English, that she does have a basic working capacity in the French language. I would not have thought that was such a priority for him because the previous chair who was appointed under the NPD was actually unilingual, so it didn't seem to be an issue then. Now you have someone who's qualified, who can speak and has a basic working capacity in French, so I think that will definitely help with TVO.

With respect to the comments from the Liberal members, I know they are new and I know they've been sent here to oppose it.

**Mr Martin:** That's really patronizing.

**Mr Newman:** Ms Di Cocco's comments that somehow this—

**Mr Martin:** On a point of order, Mr Chair: I would ask the Chair to ask the members opposite to withdraw the comments about naiveté and "new" and all that to the members who are here. I think it's insulting and demeaning and patronizing.

**Ms Di Cocco:** On a point of order, Mr Chair: I actually object to the being "sent to oppose." I object to that statement.

**The Chair:** Mr Newman, can you please—

**Mr Newman:** Ms Di Cocco's comments were that somehow if someone was an MPP, they should somehow not be considered for an appointment. In the previous Parliament, there were Liberal members like Gilles Morin and Bernard Grandmaître who now serve on agencies, boards and commissions in this province. So I guess somehow you would oppose the appointment of those two individuals.

People who have served as members of provincial Parliament and who are no longer in office obviously have the interests of the people of Ontario at heart and they can serve the province in various capacities. I think that should be kept in mind.

Also, concerning Mrs Dombrowsky's comments with respect to the chair and CEO positions and one person having those positions, when the NDP appointed Peter Herrndorf back in 1992, that individual served as chair and CEO. I know that you like to see the chair and CEO positions severed, that they would be separate positions—

**Mrs Dombrowsky:** Most corporations do.

**Mr Newman:** That's what Bill 11, the red tape bill, does. If you look at Bill 11, have a read through it, you'll see that the chair and CEO positions now become separate.

**Mrs Dombrowsky:** Not here.

**Mr Newman:** In Bill 11, the red tape bill that's before the House, you will see that it actually severs the two positions, chair and CEO. Given that, I trust you will

support Bill 11, the Red Tape Reduction Act, when it does appear before the House for third reading.

**Mr Kells:** On a point of order, Mr Chair: The member referred to something about being sent here to oppose. For clarification, I said I understand it's the first duty of the loyal opposition to oppose. That came from Lord Randolph Churchill's famous quote that the first priority of the loyal opposition is to oppose. It's a standard, well-known axiom of politics in the British parliamentary system and has nothing to do with an individual here at the committee level.

**The Chair:** Thank you, Mr Kells. I don't know if the objection was to your words or someone else's, but anyway we've heard the objections and we've heard the responses to the objections. I'll leave it at that. You've expressed your opinions.

If there are no other speakers, we're going to then consider a motion to concur in the intended appointment of Ms Bassett. That was your motion, Mr Newman, and I'll read it again: to concur in the intended appointment of Ms Bassett as Ontario Educational Communications Authority, TVO, member and chair.

**Mr Johnson:** Can I request a recorded vote?

**The Chair:** You may, sir. We have a recorded vote.

#### Ayes

Johnson, Kells, Newman, Spina.

#### Nays

Di Cocco, Dombrowsky, Martin.

**The Chair:** The motion is carried.

Mr Martin, you have something you wish to say?

**Mr Martin:** I want to raise the possibility of a subcommittee meeting to discuss further business of this committee. Is that going to happen today, next week, or when?

**The Chair:** It would likely be better if we were to do so next week, unless there are members today who are prepared to do so. Mr Newman is nodding yes, which I presume means that next week would be appropriate for him.

**Mr Martin:** Just as a heads-up, some of what I want to speak about, Mr Newman, is the calling before this committee of some commissions and boards during the intersession.

**Mr Newman:** That will be something to take to the House leaders.

**Mr Martin:** Yes, it would have to eventually go to them if we chose to do that. They ultimately give the green light or the red light. So yes, I understand that.

**Mr Newman:** I think also the regular committee member from our side will be back. He's just at another committee today.

**The Chair:** Any other comments, observations, statements?

If not, the meeting is officially adjourned.

*The committee adjourned at 1116.*











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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Wednesday 22 December 1999

# Journal des débats (Hansard)

Mercredi 22 décembre 1999

## Standing committee on government agencies

Subcommittee reports

## Comité permanent des organismes gouvernementaux

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 22 December 1999

Mercredi 22 décembre 1999

*The committee met at 1008 in room 228.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** I call the meeting to order, as I see what I call a quorum here this morning. Certainly all political parties are represented. As you know, the Chair is very, very neutral and non-partisan, but I think they do have an "L" behind my name; that's fine.

Our agenda consists of three subcommittee reports. You may wish to put the subcommittee reports dated December 9 and December 16 into one motion. I'll ask for someone to move that the subcommittee reports of December 9 and December 16 be approved.

**Mr Bert Johnson (Perth-Middlesex):** I move just December 9. I'd like to keep them separate.

**The Chair:** OK, that's fine. Any discussion of the subcommittee report dated December 9, 1999?

All in favour? Opposed? Motion carried.

I'm going to go to the subcommittee report dated December 14, 1999. I'll ask that someone move that subcommittee report.

**Mr Bob Wood (London West):** So moved.

**The Chair:** Moved by Mr Wood. Discussion?

**Mr Wood:** I also want to move an amendment to it. I'd like to move that paragraph 2 be deleted.

**The Chair:** OK. Do you understand the motion?

**Mr Tony Martin (Sault Ste Marie):** I sure do. As I said in the subcommittee, I don't understand. We're elected here to do a job. I sat here for four years or so and listened to you folks across the way challenge us, castigate us and criticize us for not wanting to do a job, and here we are offering you an opportunity to actually get out there and take a look at what's happening in some of these agencies, boards and commissions so that we might see for ourselves first-hand and then make some recommendations as to how they might be improved or otherwise.

We have in front of us now the period of January, February, March, not coming back till April 3, according to the motion the government tabled, and you don't want to sit during that long period? You don't want to come back here and do the business of the Legislature, of this place? It is just incomprehensible that you would not want to do that.

I could understand it if maybe you looked at the list and said, "We can't possibly do all four, but we could do a couple and then maybe leave a couple for later." But to simply say, by way of this amendment, that we won't meet during the intersession blows me away, frankly. I hope there are some folks on the other side who actually want to work during the intersession, who actually want to get out there and roll up their sleeves and earn their pay during the intersession and will vote with me to defeat this amendment to the subcommittee report.

**Mr Joseph Spina (Brampton Centre):** With due respect, I think a lot of us earn our pay. It's not just sitting on a committee, just as it's not just being in the Legislature, that constitutes us being paid for as members. There are a whole lot of other things, as we all know as members, that constitute our responsibility as elected representatives of our constituents. To say we're not earning our pay by not meeting is not a fair comment, and therefore I would agree with the motion put forward.

**The Chair:** You were speaking in favour of Mr Wood's amendment then.

**Mr Wood:** I'd like to simply say that the government members feel this is most efficiently done when the House is actually in session. We want to make sure it's done, and done right, and that would be the best time to do it.

**Mr Martin:** I get increasingly more frustrated around this place as each day goes on, as things we've done for years and years by way of the role we play here get just pushed aside and considered almost irrelevant because the government doesn't want to be exposed to perhaps some encounter with the public about some of the things they're doing or proposing to do.

I have to say that I, like you, work very hard back in my riding, but the work I do in my riding, if it's not connected to the work I do here—there are other offices and organizations out there who do similar types of things and perhaps could do that, but if I can't connect what I'm hearing and feeling and sensing from the people I represent, not only in my own constituency but across this province, and bring it back here so we can have government respond in a way that is helpful and evolutionary in terms of how we serve each other and work with each other to provide opportunity for folks and for different parts of this province, then what's the point?

To suggest that we're going to come back and do this in the intersession when in fact, come the intersession, we don't know if even then you won't deep-six this stuff



anyway is just another example of the government, with their mantle, saying to the opposition: "Don't worry. Everything's fine. We really don't need to do this. What we decide is obviously in the best interests of the people of this province. The debate is over. We got elected. We're the government. We'll do it. Just sit back and relax and everything will be OK." I have to tell you, I'm not that comfortable with all of that.

I was elected some 10 years ago to represent my constituents, to come down here and do some work on their behalf, to look at the operation of government and take advantage of the committees I get appointed to to actually do something worthwhile for the people of this province, to make sure that the organizations, agencies and boards that we are responsible for are operating in an efficient and effective fashion. Day after day, as we come to this place, now as we sit on committees we're told we can't do our work.

I'm disappointed and angry about this, I have to tell you. I don't understand why a group of people who pride themselves on their work ethic and getting down and getting the job done will in this instance not do what we as a committee are charged to do, what this committee has done, certainly long before I ever got here, as their role, as their responsibility.

Yes, we have work we do back in our ridings. We all do that. But we have work that we do here, and part of the work here is being appointed to some committees that we're expected to put some effort into and to make happen and meaningful and relevant. I've sat on this committee on and off for probably some 10 years now, and I've never been stymied like this before.

**The Chair:** Any other debate, comment, discussion? If not, I will place the motion as amended by Mr Wood.

**Mr Wood:** You're going to place the amendment, presumably, and then the motion.

**The Chair:** The amendment first, which is that part 2 of the report of the subcommittee of Tuesday, December 14, 1999, be deleted. All in favour of that amendment?

**Mr Martin:** Recorded vote, please.

**The Chair:** A recorded vote is requested.

#### Ayes

Johnson, Kells, Spina, Wood.

#### Nays

Martin.

**The Chair:** The amendment has been passed, which deletes part 2 of the Tuesday, December 14, 1999, subcommittee report.

Now I would call the motion, which is to adopt the report, as amended. All in favour?

**Mr Martin:** Recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Johnson, Kells, Levac, Martin, Wood.

**The Chair:** Opposed to the report? None? OK, it is carried. The amended motion has been carried.

The last item we have to deal with formally is the subcommittee report dated December 16, 1999. Would someone like to move the subcommittee report?

**Mr Wood:** So moved.

**The Chair:** Moved by Mr Wood. Any discussion of that report? No discussion?

All in favour? Opposed? Motion carried.

That is the business contained on the agenda for the committee for today's meeting. Is there any other comment or business? I know it's not on the agenda, but is there any other problem or discussion you'd like to have? This is our last meeting. If the House no longer sits, for instance next Wednesday, this would be our last meeting for a period of time. Mr Wood, did you have a comment?

**Mr Wood:** I'm going to make a comment at the end, some brief greetings. Then I'm going to move adjournment after our friends have said what they want to say.

**The Chair:** Before I do, Mr Martin, perhaps I could have us reminded by our clerk of the provision for us to sit in the intersession.

**Clerk of the Committee (Mr Douglas Arnott):** For the purpose of considering intended appointment reviews, the committee may sit on dates to be determined by the subcommittee up to three times per month. If the committee were to consider agency reviews, it would require authorization by the House.

**Mr Spina:** Just to clarify Doug's comment, by the House or the House leaders?

**Clerk of the Committee:** By the House.

**Mr Martin:** So you're saying, Mr Arnott, that as the certificates come forward and we, each party, indicate that we want to have somebody before the committee, in fact it can be called and we can do that work?

**Clerk of the Committee:** The committee is authorized to meet at a date to be determined by the subcommittee up to three times per month, yes.

**The Chair:** The purpose of this, of course, is that when the House is not in session, there are still appointments being made by order in council, by the cabinet, by the government, and the time would elapse over a long period, so with the consent of each representative in the subcommittee, as the clerk has mentioned, dates can be determined and the business of reviewing appointments can take place during the intersession. I shouldn't be presumptuous, but I will be. Presumably that will happen, because I can anticipate that the government would continue to make its appointments. This committee would then want to consider whether it wishes to have people appear before the committee.

**Mr Dave Levac (Brant):** I appreciate my time here on the committee, and I wish everyone season's greetings and a happy new year.

**The Chair:** Thank you kindly.

**Mr Wood:** I'm going to make a substantive comment before I get on to a comment similar to the one just made. I would hope that no backlog would accrue. I hope if we



do have designations, we'll deal with them reasonably expeditiously, by which I mean we should meet once a month if there are designations to be dealt with. I'd like to make that suggestion.

**The Chair:** I asked the clerk, previous to the meeting, about the time we could sit. I gathered from his response to me that with the consent of the committee, if it took a longer period of time in the day than normally would happen when the House was sitting, with the consent of the three parties or of a majority of the committee, we could do that. If we were in that situation where there

happened to be a lot of appointments coming and we felt it would take three hours instead of two hours, certainly we are able to do that should we see fit, which gives us some flexibility. Mr Wood again?

**Mr Wood:** I was simply going to wish everybody a merry Christmas. If no one else has any submissions to make, I was going to move that the committee adjourn.

**The Chair:** All in favour of the motion for adjournment? Carried unanimously. Thank you, and have a happy holiday, if we don't sit next week.

*The committee adjourned at 1023.*

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Mr Joseph Spina (Brampton Centre / -Centre PC)

Mr Bob Wood (London West / -Ouest PC)

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Mr Dave Levac (Brant L)

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ISSN 1180-4335

**Legislative Assembly  
of Ontario**

First Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 37<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

**Thursday 24 February 2000**

# **Journal des débats (Hansard)**

**Jeudi 24 février 2000**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 24 February 2000

Jeudi 24 février 2000

*The committee met at 1505 in room 228.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** Our first item of business on the agenda is the report of the subcommittee on business. There are six reports. I will look for a motion to approve the six subcommittee reports that are before us.

**Mr Bob Wood (London West):** I move that the reports of the subcommittees of December 16, 1999; December 23, 1999; January 5, 2000; February 3, 2000; February 10, 2000; and February 17, 2000, be adopted.

**The Chair:** Any discussion? If not, all in favour? Opposed, if any? The motion is carried.

## INTENDED APPOINTMENTS

## HAROLD GOULD

Review of intended appointment, selected by third party: Harold Gould, intended appointee as member, Ontario Realty Corp board of directors.

**The Chair:** Our next item of business is item 7, appointments review. This is a half-hour review of an intended appointment as follows: from the certificate received on February 10, 2000. This was a selection of the third party: Mr Harold Gould, intended appointee as member, Ontario Realty Corp board of directors.

First of all, is there a statement that the intended appointee has?

**Mr Harold Gould:** I was born in London, brought up in Brantford, I live in Toronto and run a business out of London, Ontario. I think you all have a copy of my résumé. I have a fairly diverse background in business and I currently run a real estate company that owns and manages a variety of different real estate types from residential to commercial, retail and industrial. I've been asked to join the board of the ORC and I'm excited to do that, assuming I can get past today.

**The Chair:** Thank you very much, sir.

This was an appointment requested for review by the third party, so I'll start with Mr Marchese.

**Mr Rosario Marchese (Trinity-Spadina):** Mr Gould, welcome. Just a simple question: Why do you want this job?

**Mr Gould:** I was asked to do it. I'm in the real estate business. It looks like a fairly daunting task, but some-

thing I have some expertise in and I think I can contribute to.

**Mr Marchese:** My sense is that you are familiar with what the Ontario Realty Corp does, possibly its mandate, more or less.

**Mr Gould:** More or less.

**Mr Marchese:** A number of people are very concerned—I wouldn't say a whole lot of Ontarians; some of the people who read the Globe and Mail—that the decisions that have been made in a number of instances by the ORC are biased in favour of those with Tory party connections. I'll tell you, I'm not one who normally asks these questions, but the Tories, when we in government, and the Liberals too, to be fair to them, used to ask everybody who appeared who even smelled of social democrat, "Are you a party member?" I feel compelled to do the same every now and then, not always. Are you a member of the Conservative Party?

**Mr Gould:** Yes, I am.

**Mr Marchese:** Not to be ashamed of it; many are. In fact, they appoint Tories on a regular basis, and we have no qualms about that although, when they were in opposition, they used to decry all the appointments we would make that were New Democratic Party-connected. We only used to pull together a number of New Democrats or appoint them. Everybody else was a Tory or Liberal, but these guys are good. They don't mess around with Liberals or New Democrats, by and large.

I've got a little problem and I want to share this with you. In terms of public interest, I'm worried about how institutions perform. In my view they should be unbiased, or at least appear to be unbiased. If I found it to be a problem, I would have to do something. I couldn't in all conscience stay in some committee and say: "The chairman has decided this and there's nothing I can do. I'd better not deal with this. It's not really my problem." But I would have a difficult time. If you found a problem of a perceived nature of bias, what would you do? How would you deal with it?

**Mr Gould:** I would either make that bias known or I would remove myself from the situation. You mean where I found myself in a conflict?

**Mr Marchese:** Yourself possibly, or the chairman or woman, or the way the board might have conducted itself. You're part of it and then you're forced to make a decision. Do you simply go along or do you publicly say, "I have a problem with this"? Or would you?



**Mr Gould:** Up until the point that I knew I had to come here today, I had no idea really that it was a political appointment. My assumption was that this was an agency of the government whose mandate was to help in all areas of real estate in the province. I can't imagine finding myself in a situation where politics would rule the way I would approach the situation.

**Mr Marchese:** Glad to hear that.

**Mr Gould:** Thank you.

**Mr Marchese:** Obviously, this agency sells land and does much with our land. I'm assuming you would have an interest in some of the disposition of these lands. You might even be interested in purchasing such lands. Would you think that might be a conflict for you, possibly?

**Mr Gould:** I'm not aware of any such instances. I'm not aware of the portfolio, other than that I know it's large and expansive. It's possible that somewhere along the line I might have an interest, in which case I'd have to seek the guidance of the chair of the committee or remove myself from the situation if I wanted it that badly.

**Mr Marchese:** Good to hear that as well.

There was an instance here that was reported in the *Globe and Mail*. That's a business paper, by and large, a conservative business paper, and when they report something of this sort, it worries me. It has to do with the selling of a 2.3-acre site near the corner of Jarvis and Wellesley. Two corporations were obviously interested in purchasing the site, and there was some problem that developed with these two people. The corporation decided what they would do was to simply say to these two corporations: "We've got a problem here. We've got somebody there that owns some property and we've got to deal with them. You go off and negotiate something with them, and whoever these two corporations negotiates a good lease arrangement with, that person gets to be the successful bidder."

These two companies had already made bids. One was slightly higher, one was slightly lower, but they had this particular problem they had to resolve. So the agency, and the realty agent that was hired to do this, agreed that the best way to deal with it was to say to these two people: "Go out and resolve it. Whichever of the two of you solves it gets the contract." The problem was that the bidder who bid less than the higher bidder went and talked to this particular person and they seemed to strike an arrangement, and the successful bidder, Mr Sexsmith of Renoir, complained and said, "No, we have made a successful bid before and now we don't agree with what you have done."

What they did, hiring a Mr Lyons—you're probably familiar with him, another Tory lawyer, close to the mayor of Toronto and many others. Through his involvement and interventions, he talked to the realty person who had negotiated such an arrangement. Mr Miele, the president and CEO, got involved in this discussion, at the end of which, lo and behold, the agreement they had made with the second bidder, the lower bidder, to give

him the deal was turned down and they gave it to Mr Sexsmith again, as a result of which they're in the courts.

Do you see the perceived problem here? It was covered in the *Globe*. There's a perceived problem of bias here with this agency. What do we do? How do we deal with that? What do you propose we do to put back a better image of this realty corporation? Otherwise, it seems to me, this government has a problem, and you would be part of that problem.

**Mr Gould:** Well, I don't know all the circumstances of that particular instance, but I know, just reading through the material and understanding the mandate of the corporation, that it does every once in a while run into its own little roadblocks because it is a government agency. But other than that, I don't see why there should be conflict. The agency shouldn't be showing favouritism to anybody. Its mandate is to go out and either dispose of real estate in an orderly fashion, in the best way possible under normal market conditions, or fix up leases or do the things that are involved with its mandate. Anything else I certainly wouldn't be in favour of.

**Mr Marchese:** Yes. I agree with what you're saying and that's why I raised that example. There are a few other examples, but I wanted to highlight one that was in the *Globe and Mail*. It's in the courts now. I'm assuming the Tories say we can't talk about it because it's in the courts. But it brings a great deal of disquiet, in my mind, and apprehension in the public's mind about how this agency is conducting itself, and I am worried about all these Tory connections and these potential political influences.

Can one individual or others come to a CEO who is clearly a Conservative member—and so many other board appointees are very Conservative—can a few of these individuals come together and say, "We can fix this based on political influence"? I've got to tell you, I'm concerned. I want assurances from you, in terms of whatever is in your background that you bring, that this won't happen while you are there.

**Mr Gould:** I can only tell you that it won't happen as a result of my involvement. I'll back up a little bit. I joined the Conservative Party just before the last election. I don't consider myself a very political person. I happen to agree with this government's approach to things. If some time in the future your government and I had the same kind of agreement, I would have no problem in changing my loyalty.

**The Chair:** The government caucus.

**Mr Wood:** We will reserve our time.

**The Chair:** Reserve your time?

*Interjections.*

**The Chair:** The advice I have is that it would require the consent of the entire committee for the government to reserve its time to go last, so to speak. If someone from the government caucus is prepared to go—

**Mr Morley Kells (Etobicoke-Lakeshore):** I don't know if there's a game plan here. I just basically wanted to ask a question.

**The Chair:** Go ahead.



**Mr Kells:** The question was just simply this: You stated that you've just become a recent convert to the Conservative association, and I was wondering if you have ever belonged to any political association prior to this conversion.

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**Mr Gould:** I wouldn't consider it a conversion. I think the question originally was, do I belong to a political party? I made a contribution to your party before the last election. That's why I said it. I'm not a convert from any other party.

**Mr Kells:** Then I retract my conversion implication. Have you ever belonged to another political party prior to belonging to the Conservative Party?

**Mr Gould:** No, I don't think so.

**Mr Kells:** Indeed, that shows an immense perspicacity. When you finally became involved in a political party, you chose the Conservatives. I think that's admirable.

**Mr Joseph Spina (Brampton Centre):** Just a quick question, Mr Gould. Thank you for having an interest in this position. The ORC has some interesting things and projects that it's going to be involved in. In looking at your resumé, it appears as if you have an extensive track record in investments, particularly with respect to property investment. I'm presuming, and asking perhaps your confirmation or any other comment you wish to make, that these would be good qualifications in evaluating any potential deals that the ORC will become engaged in.

**Mr Gould:** I'd like to think so. I've got lots of experience on both sides, being an owner and being a tenant and now being a landlord. I think my experience will help; I hope it will anyway, without knowing the full breadth of exactly what I'm getting into.

**Mr Spina:** Obviously a director is involved probably more with policy than actually looking at day-to-days deals, but there's unquestionably an opportunity for the directors to present a perspective to the management. Thank you. I wish you well.

**The Chair:** Does any other member of the government caucus wish to direct questions to the recommended appointee? We'll go to the Liberal Party.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Thank you, Mr Gould, for coming in front of our committee today. I have a few questions definitely, because this is a major task that you'll be undertaking. Looking at your past experience in business, I was just wondering how come you never got into Mr Gretzky's business, since you come from Brantford. But anyway, you are in the real estate business at the present time.

**Mr Gould:** That's right.

**Mr Lalonde:** Do you intend to leave that company?

**Mr Gould:** Do I intend to leave it?

**Mr Lalonde:** Yes.

**Mr Gould:** No. I'm an owner.

**Mr Lalonde:** You don't intend to sell it?

**Mr Gould:** I couldn't say that; somewhere along the line, yes, I certainly could.

**Mr Lalonde:** You intend to be on this board of directors and also continue your business with Ivest Properties Ltd?

**Mr Gould:** That's right.

**Mr Lalonde:** Are you aware of the Ontario government management guidelines concerning the conflict-of-interest guidelines?

**Mr Gould:** Yes, I think so.

**Mr Lalonde:** You've gone over it. We know what's been happening in the last couple of years. There have been a lot of questions on conflict of interest. There's always some political influence at times. You say that you joined the PC Party or you subscribed to the PC Party just prior to the election. Were you ever approached to become a candidate for the PC Party?

**Mr Gould:** No.

**Mr Lalonde:** Never did?

**Mr Marchese:** They might.

**Mr Lalonde:** Anyone is liable to belong to any party or contribute to any party, I recognize that. But these days we recognize very often—it could be federal; it could be any provincial government—that when you do become a donor to any party, they tend sometimes to do something in return. But in this case, as I said, it is a very important task. Looking at all your involvement in the previous companies where you worked, I'm really concerned about how this would be handled. Looking at the prediction of this government, their prediction is to sell their gross sale of \$200 million this year. We talked about the one on the corner of Wellesley and Jarvis and what happened last year. I still say there was political influence there. There was some political influence in the 407 sales.

You're in business at the present time as president and owner of Ivest Properties. I just wondered, will your company be dealing with the government in transactions? Are you going to be part of the transaction that will be going on between the government and the private sector?

**Mr Gould:** I can't imagine how I would be. No.

**Mr Lalonde:** You can't imagine how you would be. Up to now, let's say, up to 1999-2000, the government gross sales will be \$801 million. That's their prediction. They already had a little over \$600 million in sales of property ever since 1995-96, so that would be in the last four years.

In the company that you're with, what would be your largest transaction that you have been involved in?

**Mr Gould:** About \$12.5 million.

**Mr Lalonde:** About \$12.5 million. Looking at the government property that we will have for up for sale, it could mean a lot of commission for a company like yours.

**Mr Gould:** We own and manage real estate. We're not in the business of accepting commissions. We don't sell real estate on behalf of others.

**Mr Lalonde:** I could tell you that I really appreciate the answer that you have given to my friend from the NDP here, that you said yes, and I noticed that this was an honest answer that you gave him. You said that you

belong to a party, you contribute to a party, and that's very honest. But you will understand quite often in the future, in accepting this position, you will have to be honest, as you know—I'm sure you are—and fair to all Ontario taxpayers.

I had another one and I lost it Mr Chair. So you will be ready at any time to declare your conflict of interest if it does involve your company?

**Mr Gould:** Absolutely.

**Mr Lalonde:** I don't have any more questions, Mr Chair.

**The Chair:** Thank you very much. We have had a series of questions from the three political parties represented in the Legislature and the committee. If you have any windup statement, Mr Gould, we'd be happy to hear of it.

**Mr Gould:** I don't, Mr Bradley.

**Mr Lalonde:** Can I ask a question, Mr Chair?

**The Chair:** Yes, there is still some time left, so you may do so.

**Mr Lalonde:** How did you get to know that there was a seat open on the ORC board of directors?

**Mr Gould:** I was approached by one of the board members.

**Mr Lalonde:** One of the board members, not a member of the Ontario Legislative Assembly.

**Mr Gould:** No. One of the board members.

**Mr Lalonde:** Thank you.

*Interjections.*

**The Chair:** As we would all know, interjections are always out of order in committee. Thank you very much, sir. We'll allow you to depart.

We will have the committee consider this appointment at this time. Is there a motion?

**Mr Wood:** I move concurrence that we consider the appointment of Mr Gould.

**The Chair:** Moved by Mr Wood, concurrence in the appointment. Any discussion?

**Mr Marchese:** Just a few brief comments, Mr Chair. Quite clearly this is a very decent man who has Tory connections, but that's neither here nor there. I've found

that he's a very sincere individual. He has indicated that if there were to be a problem with respect to anything he would do, or his company, or whatever number of companies he might be involved in, and if he were to have an interest in purchasing something that the Ontario Realty Corp wanted to sell, he would declare a conflict. I think that is very important to know and to hear.

I was clearly interested in his view around process perception of bias and how he would deal with that, because I am clearly very concerned about the intervention of Mr Miele in the case that I have spoken about. I find that an insidious intervention, actually, as I see it and as it has been put out by the Globe and Mail article. The fact that it's going to court presents some problems to the Ontario Realty Corp and therefore to government and therefore to all as politicians. I'm concerned—I hope that the other members are concerned as well—that the behaviour of the CEO and the behaviour of the agent they hire has to be above reproach. From what I saw of that case, it is indeed reproachable in terms of what has been done. So I'm profoundly worried.

I raised this question with Mr Gould, and he appears to say that he would not be party to such a problem. I wanted to hear that. I'm paraphrasing now in terms of what he said. I'm willing to believe that if something like this came up, he would stand up for integrity and fight the bias if it occurs. In that respect, I am prepared to support his candidacy here today.

**The Chair:** Thank you, Mr Marchese. Any comments by any other member of committee before I call the question?

If there are no comments, I will call the question. All in favour? Opposed? Carried.

Does any member of the committee have any other business that he or she wishes to bring before the committee? If not, I will entertain a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** All in favour? The motion is carried.

Thank you for your attendance today. The meeting is adjourned.

*The committee adjourned at 1532.*





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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Tuesday 7 March 2000

# Journal des débats (Hansard)

Mardi 7 mars 2000

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## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 7 March 2000

Mardi 7 mars 2000

*The committee met at 1010 in room 151.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** This meeting is now open.

The first item on the agenda is the report of the subcommittee on committee business, dated Thursday, February 24, 2000. Do I have a motion to adopt on that?

**Mr Bob Wood (London West):** So moved.

**The Chair:** Moved by Mr Wood. Any discussion of that? No discussion. All in favour? Opposed? The motion is carried.

We will now commence the half-hour reviews of intended appointments. As you know, the normal procedure, so that those who are with us today may know, is that ordinarily there is a half an hour which is reserved for the interview of the intended appointees. Each party represented is allotted 10 minutes in time for that purpose and at the conclusion, decisions are made.

Mr Christopherson has joined us, substituting for Mr Martin. Mr Caplan is substituting for Mr Crozier.

INTENDED APPOINTMENTS  
JAMES GRIEVE

Review of intended appointment, selected by official opposition party: James Grieve, intended appointee as member, Niagara Grant Review Team.

**The Chair:** The first intended appointee is Mr James Grieve, intended appointee as member of the Niagara Grant Review Team. I'll ask Mr Grieve to come forward, please. Mr Grieve, do you have a brief statement or anything you wish to say to begin?

**Mr James Grieve:** Yes, I do. I want to thank the committee for its indulgence in letting me appear here this morning to discuss this matter. I've made some notes. I don't want to miss anything that may be salient. The resumé that was produced I think is fairly sketchy, so I'll try to enlarge on that somewhat.

My name is James Grieve. I presently reside in Niagara-on-the-Lake, Ontario, where I've been for the last five years. I've basically lived my life in the city of Burlington, Ontario, and five years ago relocated. I have a business background that's quite extensive, both inside and outside of major corporations. I'm completely famil-

iar with financial statements, with blueprints, with the construction process and construction costs.

I spent 15 years in municipal government in the city of Burlington. There are two tiers in Burlington. There's the city and the region of Halton, as well. I served on both those governments for 15 years. As part of my responsibility there I was council's appointee to the Halton Regional Police Commission, where I served for 11 years, three of those as chairman.

In the city of Burlington, I had pretty extensive experience with grants, recreational grants mainly at that level. Burlington's sort of a unique place in terms of recreation facilities and we had an interest-free lending policy to local groups, citizens groups that wanted to establish recreational facilities. If they established that they could come up with the down payment and the ability to raise the balance, the money would be loaned to them over a period of time and when they paid the loan back, the premise or the facility would become part of the city of Burlington's projects.

At the region of Halton, I served on administration and finance and I served on health and social services, as well. At the region, I had a lot of experience with grants—social services grants and grants to agencies—so it's not an area that's brand new to me.

During my time in Burlington, I was chairman of the 1981 Ontario Games for the Physically Disabled, which were very successful. I'm a Rotarian and have been active with Rotary for some 30 years. There's a lot of fundraising and there are a lot of grants and assistance to community groups and even international groups. That's been a good experience as well.

I guess that pretty well sums up what my background has been, so I'm quite prepared to deal with any questions you may have.

**The Chair:** Thank you very much, sir. I'll begin with the official opposition, Mr Caplan.

**Mr David Caplan (Don Valley East):** How much time?

**The Chair:** Each party will have nine minutes now assigned to them.

**Mr Caplan:** Mr Grieve, thank you and welcome. I appreciated your opening comments. One of the things I didn't hear was why you want to do this.

**Mr Grieve:** I'm not a young guy, as you can probably tell. I've had quite an extensive background and the



opportunity was presented to me and I thought it would be a challenge and a worthwhile thing to do.

**Mr Caplan:** As a member, assuming of course that you're going to be on the grant review team for Niagara region, what kinds of criteria would you look at and what sorts of things will you be looking at in some of the grant applications? What do you think is going to really strike you as very critical in some of those things that you're going to be dealing with?

**Mr Grieve:** The worthiness of the request and I suppose the substance of the group that is making the request, like can they fulfill what they're suggesting their role would be? There has to be a sound basis to grant money to groups and make sure as much as you can that they're going to be able to do what they hold out to do.

**Mr Caplan:** So the ability to fulfill whatever it is they're seeking to do. But you mentioned the worthiness of the request. How would you judge the worthiness of the request?

**Mr Grieve:** That's not always easy. A lot of it is subjective, but I think you have to weigh requests one against the other. You have a pool of money, a pool of resources, and you want to spend those in a balanced way but in a way that's going to do the most good. Those kinds of decisions you have to make when you're doing it.

There are some agencies that I've had experience with that have tremendous fundraising ability on their own, and they ain't the ones, in my view, that need help; it's those agencies and groups that don't have that facility or that ability.

**Mr Caplan:** My understanding is that all of the money that the Ontario government collects goes into the consolidated revenue fund and a portion is given over to the Trillium Foundation. That's your understanding as well?

**Mr Grieve:** Yes, on a per capita basis.

**Mr Caplan:** Right. It's not dependent on any other sources of revenue. It just comes from whatever the government is willing to put in there. Are there any particular organizations or charities you can think of that you've had dealings with in the past or some awareness of the projects that they're engaged in which you think should receive special consideration?

**Mr Grieve:** I don't think so. I think everything has to be on its merits. Over the years, I've had a lot of experience with groups and some of them have been more successful than others. Recently, our Rotary Club was able to give money to the swimming pool fund in Niagara-on-the-Lake for building the pool, and we were able to give money to the historical society, which has a big capital project, things of that nature. I was happy with those decisions.

**Mr David Christopherson (Hamilton West):** Thank you, Mr Grieve, for your comments this morning. You were on the city council?

**Mr Grieve:** Yes, for 15 years.

**Mr Christopherson:** OK. Of course it's a neighbouring community to me. Being out of Hamilton, I

know Burlington quite well. I also, when I was on regional council, chaired the regional health and social services, the same as you did, so we have an overlapping experience there. What year did you complete your term?

**Mr Grieve:** In 1991.

**Mr Christopherson:** What is your sense right now of the level and the appropriateness of service that communities received, with particular attention to health and social service issues, as they were in the 1980s versus what your experience is now, if any?

**Mr Grieve:** I'm not totally up to date with what's happening now. I've been out of that realm for nine years, but I think there are a lot of similarities. There seem to be some glaring problems that when you come to Toronto you can't help miss. Something that's new to me is people sleeping on the streets, and that happens all over North America because of the deinstitutionalizing of people. But there is an element I think that really requires some help.

1020

**Mr Christopherson:** What would you consider to be the top priority?

**Mr Grieve:** I'm dealing with Niagara, and as I pointed out, it's more of a large urban problem. I haven't seen anybody sleeping on the streets in Niagara-on-the-Lake recently.

But I think the top priority in my mind is dealing with young people, mentoring young people and trying to bring them along and showing them that there's more to life than their little bailiwick. I grew up in the village of Waterdown, if you remember where that is. When I was a kid there it was about 900 people, and I will always be grateful to my father for getting me out of that environment. At personal expense, he sent me away to school and I learned there was something far beyond the borders of the village of Waterdown. The opportunities I was given by being able to get out and meet other people were immense in that they've made my life quite different. So I think young people are very important.

**Mr Christopherson:** A lot of the agencies have been affected by the cutbacks that Harris has imposed to pay for his tax cut, which have resulted in the closure of a lot of services, as well as a paring back of services in most of the communities in Ontario.

In terms of community action and community involvement, there's been a real decrease in the last few years because these agencies were the ones that organized, if you will, community grassroots input into decision-making. How do you feel about restoring funding for agencies in communities that play a role in community development, or do you think the money, given that it's scarce, needs to go only into the more established services, the ones that we all know and care about? The United Way comes to mind.

**Mr Grieve:** Unless you were specific, it's a hard question to answer.

**Mr Christopherson:** I agree.

**Mr Grieve:** I think volunteerism, in my view, has suffered somewhat over recent years. More professionals



seem to be doing those kinds of things, so I think the kind of thing that Trillium is doing, and other groups like service clubs and churches, is getting people to be somewhat more self-reliant.

I guess my view is that government can't answer all questions. I think if people want a particular good or service then they should be prepared to some extent to help pay for it themselves. But I know what you're saying and it is a problem. There seems to be less money now than there was 10 years ago and there seems to be a greater demand now than there was 10 years ago, so I think we've all got to be careful in how the assets are dealt with.

**Mr Christopherson:** In your own philosophy, how far do you think we can go with volunteerism in terms of replacing services that were once in place because funding was there and it was more established? That's gone. We've seen an increase in volunteerism, and that's to be praised and supported. But in terms of the long range, just how far—and I realize it's a very open-ended question—do you think we can go as a society in terms of using what Bush called his thousand points of light as a replacement for established services with decently paid staff providing these services that, as you point out, have increased over the years?

**Mr Grieve:** I think there's a need, and if the services can demonstrate that they can deal with those needs in a serious, legitimate, responsible way, then I think there should be some help certainly.

**Mr Christopherson:** Do you support the notion that volunteerism, more and more, needs to replace these paid services because the money's just not there? It's being put into tax cuts right now, but it's certainly not going into communities.

**Mr Grieve:** I've always been a big proponent of volunteerism. In Burlington, it was a way of life, and I think it is in a lot of communities. There are tremendous resources in our communities. I know I just have to scratch the surface at our Rotary Club and I can come up with an expert on almost any subject and get things done. It's amazing, the resources that are there and that are waiting to be tapped. I think we've got to be creative.

**Mr Christopherson:** Does it concern you at all, the lack of security that relying on volunteerism creates in terms of providing services in a community? Do you think there are lines where there needs to be an established, organized agency with paid people out there performing certain services, or do you think it's pretty much limitless as to where we can go in terms of using volunteers?

**Mr Grieve:** No. There certainly is a need to have paid people. In Burlington we established a women's shelter, Halton Women's Place, which is marvellous, and there certainly are paid people who are responsible for that. There are a lot of volunteers involved as well. To answer your question, the answer is yes.

**Mr Christopherson:** As a rule, the appointments this government makes to many important community agencies leave a lot to be desired, from our perspective. Not

that there's anything wrong with a business point of view, you need that, but sometimes that seems to be all there is. When I look at the experience you have as an elected person, so you certainly understand what it is to feel the pulse of a community, the fact that you chaired health and social services means you had a great degree of exposure to how communities operate in terms of trying to provide the needs. I'm always partial to people who served on their police services board, being a former Solicitor General myself. I've got to say, on balance, I think you'll do a good job and I'll be pleased to support your appointment.

**Mr Grieve:** Thank you very much. I appreciate your comments.

**The Chair:** The government party now.

**Mr Wood:** We'll waive our time.

**The Chair:** The government party is going to waive its time. Does that include Mr Kells?

**Mr Morley Kells (Etobicoke-Lakeshore):** Yes, I'm waiving.

**The Chair:** Mr Grieve, the government party will waive its time, which means you have no further questions, but I do have a moment or two right now if you wish to make any concluding statement.

**Mr Grieve:** I don't really. I'm excited about the opportunity to become involved in this foundation. I'm not a proponent of casino gambling, but it's such a wonderful cash cow I think that it's hard not to do, and if the funds are being used for these kinds of purposes, that really goes a long way to justifying those means, in my view.

**The Chair:** Thank you very much for appearing before the committee, Mr Grieve.

#### SHARON WHEELER

Review of intended appointment, selected by official opposition party: Sharon Wheeler, intended appointee as member, Ontario Tourism Marketing Partnership Corp board of directors.

**The Chair:** Our next intended appointee is Sharon Wheeler. She's an intended appointee as member of the Ontario Tourism Marketing Partnership Corp board of directors. I'll ask Ms Wheeler to come forward now. Welcome to the committee. If you have any opening statement or comments, we would be pleased to hear them.

**Ms Sharon Wheeler:** It's an honour to be here. I would just like to take a minute to go through my background for the committee quickly. I have been a marketing professional for just over 15 years, exclusively working in the gaming industry in those 15 years. The intent on coming to work at Casino Niagara in Canada was to bring that expertise and to share it with the people I currently work with. I have worked through the United States in every major and most of the minor gaming markets, so I do bring that expertise with me.

I have a background in marketing educationally, with a bachelor's degree as well as a master's degree. I have taught at a couple different universities as well, both



marketing and gaming classes. It's something I enjoy doing. I enjoy getting involved and helping where I can and sharing in a growing experience.

**The Chair:** Thank you very much. We will begin our questioning this time with the third party, and that will be Mr Christopherson.

**Mr Christopherson:** Thank you for attending the committee today. What's your sense of how far we can go with gambling in our province in terms of using the revenue, as Mr Grieve pointed out, from a cash cow? We all know that they generate incredible amounts of money. What's your sense of how far we can go in terms of increasing the amount of casino gambling, or otherwise, quite frankly, even though much of the profit is going to good causes? What is your sense of that in terms of where you think we ought to be and what's a good mix and balance five, 10, 15 years hence?

**Ms Wheeler:** From the standpoint of where the province currently is as far as the offerings that it has for gaming, it's exceptional, especially compared to what's being offered in the US markets around the province of Ontario.

One of the processes we're going through currently at Casino Niagara is creating a situation where we become more of a destination market. So, in essence, we are getting a lot more involved in not just selling gaming but selling a destination and an entire entertainment package into US and international markets.

As far as bringing tourism into Ontario, how far can we go? There's a huge market out there. We really have not focused on anything outside of a current 50- or 100-mile radius for bringing visitors in. One of our processes and one of the things I hope to bring to this board is some expertise on how to develop destination marketing and bringing people from further away into Ontario.

1030

**Mr Christopherson:** Do you think any community can just open up a casino and expect that their tourism is going to rise and that there will be enough money? I remember one presentation we heard when we were doing pre-budget consultations. Correct me if I'm wrong, but for every \$100 that someone brought into the community to spend at a casino, only \$3 actually found its way into the community.

I guess when I was asking my previous question, I linked it to this. In one community in particular—I won't name it, there's no need—the mayor came forward, and they were banking everything on this casino. I have to tell you, it's not the sort of community one immediately thinks of when you think of tourism. Some of us on the committee were privately mulling over their proposal and where they were putting their eggs. We really were concerned for that community, about whether or not this was really going to work in the long run. One could say, "What the hell do we know?" and that's a fair comment. But when you've had enough experience dealing with trying to make local economies work, you do get some experience. There was just this sense from the mayor that they were going to drop a casino in there and that was

going to be wonderful. I think that's a good example of maybe what some other communities—I know my own went through it, in Hamilton: "We've all downtown problems. Let's get a casino down there. That's going to solve all our problems."

In terms of specific comments on what you see the fit is for a casino in a community, do you think it fits every community? Again, extending that thought back to my earlier question, how much gambling do you think there is room for in our communities in terms of being able to generate enough money and actually stimulating a local economy, rather than looking glitzy to some local leaders? What's the reality, as you sense it? In 20 years are we going to be looking at casinos in every community and that's going to solve all our problems? That's sort of what I'd like you to turn your mind to: community development, local economy. There is disruption when a casino comes in. It can completely alter and change the characteristics. Certainly, I don't think anyone would argue that Niagara Falls was a great idea, Windsor has worked out well. Do you think that is a winning formula for virtually every community in our province?

**Ms Wheeler:** It's a little difficult for me to talk to because I really don't know the background of all the communities in the province. I certainly have to believe, as somebody who has been in the industry for a long time, that it is not the end-all measure or the begin-all measure for any city in the world. I think the cities themselves have to take a look at what they have to offer, what they can bring to the table and whether or not there's a real commitment. There have been cities in the United States that thought the same thing: "Great, we'll get a riverboat. It'll come in here, it'll solve all our problems." In essence, they didn't have any other thing bringing tourism into town and it failed.

From my standpoint, gaming is a form of entertainment. People game to entertain, and if you have an area where entertainment is a focus and there is an opportunity to grow entertainment tourism as a result of that, then you probably have a win-win situation.

To further answer your question, it would be purely theory on my part to say 20 years from now where we are going to go. If I talk to people in the industry, some people think it will go full circle and in 20 years you'll see gaming back in just one or two locations in the States and maybe not in many other foreign countries. Other people believe that it's going to continue to grow and will become a way of life in many cities and nations throughout the world—pure speculation.

I think that the communities have to want to embrace it, they have to want it there to help make it work. I think that's the winning formula we've seen in some of the cities in Canada. The tourism areas that are already drawing tourists are looking to draw a stronger base, to create an overnight base, and it makes sense in those situations.

**Mr Christopherson:** Tourism, by and large, is an area where a lot of students work, especially where it's seasonal work, a lot of part-time work. A good chunk of it is



minimum-wage-level type jobs. Obviously, in tourism, as in any other business, labour is a big part of the cost of doing business.

The minimum wage in Ontario has not moved in five years and we're now behind the Americans in terms of our minimum wage. Given that this industry is heavily minimum-wage-level pay, how do you feel about the notion of increases in wages for people who work in this industry? Recognizing that the leaders on the business side of tourism are not going to be too thrilled about the idea of an increase in minimum wage, because it means more costs for them, but recognizing, on the other hand, that everybody deserves a decent standard of living, what's your personal feeling about the minimum wage?

**Ms Wheeler:** In my understanding, at Casino Niagara in Niagara Falls we just went through a wage survey and the people working at that casino are actually paid at the same level as or more than any other person doing that same job in the region and/or in the gaming industry within Ontario. From that standpoint, it is a little difficult to speak to it. We look very closely at what the people are earning, and it is our understanding that it's fair within the structure of what's going on in the industry as well as in Ontario.

**Mr Christopherson:** I was thinking beyond casinos. A lot of them are organized, so they're able to set the bar at a little higher level. They have the benefit of a collective agreement. It's certainly Windsor that probably sets the pace in large part. I'm thinking more of the other aspects of tourism. A lot of the jobs in restaurant services and hotel services and in Niagara Falls are minimum-wage jobs. I want to get a sense of how you feel about the fact that those people who work in the industry of tourism, as opposed to those who own and operate—and I know they have challenges too—are at minimum wage and that it hasn't increased in five years. Your opinion on these things would certainly matter.

**Ms Wheeler:** That's a little difficult for me to talk to because I have not had the opportunity to discuss that situation with those people. I have the opportunity on a daily basis to talk to the people who work within my organization, the line employees, and haven't gotten any type of feedback on that. I have not gotten any feedback from the people in the industry in Niagara Falls that they have a difficult time hiring and/or filling those positions, so my assumption would be that it's not a huge problem.

I think also from the service standpoint, which a lot of those jobs are, where they get tips as well as minimum wage, those types of gratuities are driven by an increase in traffic as well as their own increase in service. From that standpoint, there is probably much more of an opportunity for them to take advantage of a gratuity-based payroll, so to speak, than there probably was in the past. The hotels are filling more rooms for longer periods of time. The restaurants now are not closing in the winter-time but staying open year-round. I think those types of things are starting to happen in that community. Even though minimum wage may still be there, the gratuity plus minimum wage is bringing more to the table for

them. My understanding is that there isn't a shortage of people out there or a problem with the wage that's being offered.

**Mr Christopherson:** Without getting into specifics, I would assume that you have probably had an increase in five years in your wages, some modest increase.

**Ms Wheeler:** I personally have. I have also switched jobs three or four times as well.

**Mr Christopherson:** I'm really disappointed in that answer. I realize that you don't have a lot of expertise, but I really had hoped to hear something that suggests to me that you have a feel for the other side of the equation, which is people. As you say, it's a very service-driven industry. The only concern I have in your answer is that it is heavily balanced on the business side, which is fine—I realize this is a business-type position—but I believe strongly that it's time people who are in the decision-making areas of services like tourism, where minimum wage is often the standard, have some compassion and understanding. I'm not suggesting you're not a compassionate person, but I do want to tell you straight up that I'm a little disappointed that there wasn't a little more tie-in in terms of your own feelings for what literally tens of thousands of people experience as their income. I'll give you a chance to respond to that, but that will be my last comment.

**Ms Wheeler:** I find that difficult to respond to because that's really not my focus. My focus is on marketing and tourism. It's not the business side of the business. I don't run Casino Niagara; I just contribute to it on a daily basis.

1040

**Mr Frank Mazzilli (London-Fanshawe):** Thank you for appearing. I want to look at the situation Mr Christopherson was talking about. Certainly five or six years ago in this province there were very few jobs and no growth. That was a legacy of a lost decade of NDP and Liberal governments. Since the Mike Harris government took over, over 700,000 new jobs have been created, and in the service industry, as you have said.

In your experience in some of the American cities, as the unemployment rate goes down, what happens to wages?

**Ms Wheeler:** As unemployment goes down, wages typically go up. As service industries continue to grow and more people are coming in, their wage base will go up because gratuities will grow as well, which is more than likely where the bulk of their money is coming from versus the wage rate.

**Mr Mazzilli:** That's my only question. Thank you.

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** The government party has agreed to waive the balance of its time, so I will proceed to the official opposition.

**Mr Caplan:** Welcome, Ms Wheeler, and thank you for being here today. My understanding is that in the period of the 1990s—I think the latest figures we have are for 1998-99—Ontario's share of tourism declined. Is that your understanding as well?



**Ms Wheeler:** From the things I have read, I have seen an increase in tourism in the late 1990s. I understand there was some decrease prior to that, but for the last few years—and again, my focus has been primarily Ontario but also primarily in Niagara Falls—the numbers are continuing to increase.

**Mr Caplan:** Really? The information I have is that from 1997 to 1998 there was a 17% decline in overseas visitation in Ontario, the first decline in this travel market since 1991. You're not familiar with that?

**Ms Wheeler:** Would that be overseas versus US tourism into Ontario as well, or just overall?

**Mr Caplan:** That would be overseas visitation.

**Ms Wheeler:** OK. The information I have seen has shown a growth in US tourism into Canada as well as Ontario tourism within Ontario, and some Canadian tourism from other provinces into the province of Ontario. I haven't specifically seen anything on the overseas or international markets. That hasn't been as much a focus in the six-month time frame that I've been here. I probably do not know the answer to that question, but I do know that the US market is the number one market and that tourism within Ontario itself is the number two market, and that is where my focus has been.

**Mr Caplan:** I would expect, logically and intuitively, that you would normally see increases in both of those categories, particularly with a low Canadian dollar relative to the US dollar. It would make sense that people would want to travel within the province or within Canada, and that people from south of the border would like to come and take advantage of the increased purchasing power. Do you think that would be an accurate kind of comment?

**Ms Wheeler:** Yes.

**Mr Caplan:** Would you say it's perhaps less from a marketing standpoint, hence the need for greater marketing opportunities, particularly from some of the overseas folks who wouldn't normally think of Ontario or our particular region as a tourist destination?

**Ms Wheeler:** There are definitely opportunities internationally. There are still definitely opportunities domestically, within Canada and the United States. The focus has been on specific markets, close-in markets and drive markets, because research has shown that people are now spending more of their vacation time taking shorter vacations, where they are driving to a destination, versus traditional, longer vacations where they flew to a destination.

It's a very different marketing strategy, and sometimes a very long-term marketing strategy, to go after an international market. To get into that market, get to know that market, translate to that market and then bring it in, it sometimes takes two to three years to see a return on your investment. Obviously, the closer-in is a much quicker return on getting people to visit your destination. So even as the marketing partnership looks to further states within the United States, the return on that investment is going to take some time, because it's not as simple as getting in the car and driving three or four hours to

our destination. You have to put together a package that includes a fly/drive package to get into Canada. It's something that definitely can be done, and that I think is being done, but sometimes the return on that is a little further out.

**Mr Caplan:** I note from your background that your expertise is in the gambling and gaming industries. Being a part of the tourism marketing or the corporation that's going to be doing this, I would think that you would want to highlight and market all the various kinds of tourism destination points we have. We have the member from the Stratford area—we have wonderful theatre that goes on there. Previous presenters from Niagara-on-the-Lake—also northern Ontario and other places. What kinds of things do you think you are going to recommend so that we will be able to take advantage of all the various tourist options we have in Ontario, be it ecotourism, provincial parks, points of interest or other kinds of things aside from the gambling and gaming area?

**Ms Wheeler:** Somebody from gaming being on the board doesn't mean we want the emphasis to be on gaming. As a matter of fact, right now the entire marketing plan we are developing at Casino Niagara, where my job is, so to speak, is to focus on everything else there is to do in the area and create a destination. Obviously, from our standpoint, in the marketing dollars we spend, we don't want our primary message to be gaming but to be destination Ontario, and the secondary message to be gaming, golf and wines, because every bit of research we have on the industry shows that people who like to do those activities, like to do all of them. People have a high interest in golf. They also have a high interest in drinking wines, eating out at restaurants, staying in high-end hotels and gaming.

We don't want to go to them with a message that is one-sided. Fortunately, and wonderfully enough, the message is that everything is available in Ontario. So it's not a hard sell. We just have to make them aware it's available. That will help us to create an overnight destination, which leads to people staying longer and spending more money in the community, because they're now bringing more money. It's not just a four-hour trip across the border. It is a destination: spend the night, eat at restaurants, dine and shop.

Part of what I hope to bring to the board, to the group of people who are there, is my background and expertise in research. The people who are currently coming, the 9 million people who visit just one casino in Ontario—these are the other things they want to do. How can we sell that to them so that they stay longer? That's what I hope to bring to them.

**Mr Caplan:** Do you have any specific ideas about the wonderful system of provincial parks we have in Ontario, which perhaps don't have the buffet, if you will, of additional amenities, or some of the other kinds of tourist destinations or options we would want to highlight? Obviously, with tourism you want to have as much exposure of all of Ontario, of all the various options of Ontario as possible. I'd like to hear any thoughts you have



on how the province, through the advice of the tourism marketing corporation, would go about engaging in some of those activities.

**Ms Wheeler:** From the overall picture standpoint, as you mentioned, there are a lot of other things to do in Ontario. A lot of those are family-oriented vacation destinations as well, which gaming obviously is not, and at some point in time wineries are not part of that mix. But from the standpoint of what I have seen that has been produced by the Ontario Tourism Marketing Partnership, they have done an excellent job in taking all the segments of markets that are available in Ontario and marketing those to the areas, either US, Canadian or international, that have an interest in those areas.

My expertise there would come from 16 years of marketing and knowing how to research a market, find out how to develop it, find out how to go into it, buy the right media, get the message to the right person and create a trip as a result. Those were the types of things that I think we would be talking about and the strategies we would be setting for every area and every aspect of tourism in Ontario.

1050

**Mr Caplan:** That's going to take significant support from the provincial government and the Ministry of Tourism.

I just want to end with the comment that according to my understanding from the business plan of the Ministry of Tourism, they identified that declining government support was a key factor in some of the decline that was seen in tourism, because the marketing had not been done. From the late 1980s to the present day, Ontario's share of worldwide tourism—that would be more than just overseas and would include American markets as well—fell by roughly one third. That's a significant reduction in the economic value of tourism to the various communities across Ontario.

The business plan itself identifies a great concern, and I hope that you and the board will be able to turn that around and restore Ontario to the tradition that it once enjoyed.

**The Chair:** Thank you, Ms Wheeler, for appearing before the committee. Our questioning has now concluded. Do you have any statement you'd like to make at the end, any comments?

**Ms Wheeler:** No, that's great. Thank you.

#### TERENCE YOUNG

Review of intended appointment, selected by official opposition party: Terence Young, intended appointee as member, Alcohol and Gaming Commission board of directors.

**The Chair:** The intended appointee from a certificate received on Friday, February 18, 2000, is Mr Terence Young.

Mr Young, welcome back. I should put it that way. Please join us in a different position at the table. We all know Mr Young as one of our colleagues from 1995 to

1999, the Legislative Assembly, member for Halton Centre. Do you have a brief comment you would like to make at the beginning?

**Mr Terence Young:** I do have an opening statement, if that's agreeable to the committee members.

Good morning and thank you for giving me the opportunity to appear before you today. I very much appreciate having the opportunity to discuss my proposed appointment to the Alcohol and Gaming Commission. I look forward to your concurrence as well.

I've always viewed public service as an honour and view your consideration of me in this commission as an honour as well. The work this commission does to ensure the integrity and honesty of the people involved in gaming and liquor sales and service is extremely important because it safeguards the public interest. I thought a brief summary of my CV would be helpful in your deliberations.

I've been married to Gloria for 19 years and we have three children, ages 17, 15 and 13. We live in Oakville where we attend St Jude's Anglican Church and the children attend public schools.

I grew up in Toronto, where my father was rector at St Anne's Anglican Church on Gladstone Avenue for 20 years. He conceived and built St Anne's Tower, the first non-profit hotel-style seniors' residence, where I later served on the board for five years.

I obtained my BA in political and social science from York University in 1975. My formal legal training includes 10 credit courses at Osgoode Hall Law School in 1976 and two further courses at University of Toronto law school as a mature student. I chaired the standing committee on finance and economic affairs in 1998 as well.

As MPP, I served on many government committees considering a myriad of bills, including public hearings on the Gaming Control Act, where committee members travelled as far as Windsor, Thunder Bay and Kenora to listen to the concerns and thoughts of people in these communities on gaming.

My 18 years of business experience includes various positions at Bell Canada, including public affairs, marketing, customer service and quality assurance.

I was not a candidate in the last election due to the downsizing of the government, and I am currently president of my own company, incorporated in July 1999.

My commitment to law enforcement and safe communities includes past service on the boards of Crime Stoppers of Halton region, the Glen Abbey Residents' Association, grassroots work with the Halton Regional Police in community policing for Oakville, and as MPP, the caucus advisory committee to the Solicitor General, where we helped develop Christopher's Law, a registry for dangerous sexual offenders.

As an MPP and a concerned parent, I twice introduced a private member's bill designed to address the problem of substance abuse among our youth, the Zero Tolerance for Substance Abuse Act.



I am currently the chair of the Theatre Sheridan Gala at Sheridan College and the bishop of Toronto's appointee to the board of St Hilda's Towers, a non-profit seniors' residence where I'm president of the Lewis Garnsworthy Tower. I act as pro tem vice-chair of the Ontario Association of Former Parliamentarians, which is a non-partisan association designed to support the parliamentary system in Ontario.

As parliamentary assistant to the Honourable Ernie Eves, Minister of Finance, I co-chaired sectoral consultations with the minister and, in 1999, co-chaired pre-budget consultations with the public in nine cities. As parliamentary assistant to the Honourable John Snobelen during his tenure as Minister of Education, I held responsibility for colleges and universities and consulted directly with post-secondary stakeholders at 17 universities and 25 colleges, with particular reference to a \$200-million investment in capital projects.

In closing, I would like to thank you once again for giving me the opportunity to appear, and I look forward to any comments or questions you may have with regard to my proposed appointment.

**The Chair:** Thank you, Mr Young. We'll begin with the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** The government caucus has made a decision to waive its time, which means we'll come to the official opposition, Mr Caplan.

**Mr Caplan:** Mr Young, thank you for your presentation. Welcome, and welcome back. Correct me if I'm wrong, but as I recall from past association, you were a member of the family values caucus here at Queen's Park; that's correct?

**Mr Young:** We met about once a month. We called it the family issues group—in Ottawa, they have a family issues caucus, I guess, but we call it the family issues group—and discussed issues relating to family etc, yes.

**Mr Caplan:** You're interested in substance abuse. I guess I find a certain irony that you're proposing to be a licenser and regulator of alcohol and gaming activities in Ontario. Would you care to comment on your past associations and what you're proposing to do as a member of this commission?

**Mr Young:** Certainly. I'm not a gambler per se. As an MPP, I visited the casino in Niagara, the casino in Windsor and community gaming halls in Kenora and Thunder Bay. One time when I was in Ottawa, I took a cab over and visited the casino in Quebec. But other than that, in my life I've only ever been to one real casino, which was in Nassau on holiday about five years ago. I'm not a gambler. Once in a while I buy a lottery ticket or something.

But in my position as MPP, I discovered that there's an awful lot of gambling out there. A lot of people choose gaming as a form of entertainment and they choose these activities. I believe it's important to enforce fairness in these activities and have them out in the open where they can be seen and where the profits from the activities are put back in for the benefit of the public and

to charities rather than what was happening, which was gambling taking place out of sight and in backrooms.

If I could give you one example, when we travelled on the government committee, in every community we went to the OPP would tell us there were VLTs in the bars and restaurants. They were paying cash for them, so people were playing them, but they were operated by people of dubious background. They didn't know where the profits went, and they weren't sure that people were being treated fairly. It made a great deal of sense, then, to take control of it and to license it and to make sure it's done fairly and in a well-controlled environment.

Also, you can imagine as a parent of three teenagers, I'm very concerned that teenagers and minors are not given access to gambling. So I would view my role on the commission as one of the people who help make sure that doesn't happen, and I think that's very important work.

**Mr Caplan:** But as I understand it, the government's direction is to expand gambling. We now have not only formal casinos, we have makeshift casinos at racetracks. There have been proposals to set up "community casinos." That will be a part of your duties and responsibilities. Do you feel that's an appropriate activity, to make casino gambling more available and accessible around the province of Ontario?

**Mr Young:** With respect, and I'm not on the commission yet, it's my understanding that is not part of the mandate of the Alcohol and Gaming Commission. The Alcohol and Gaming Commission is there to ensure compliance with the law, and the law is policy created by the government.

In 1995, again when I was an MPP and in government duties, we knew that there were a lot of community gaming halls with these one- and two-night charity casinos where the charities weren't getting any money at all. In fact, no one really knew where some of the money was going. The charity gaming halls that are open now, I understand in Brantford and Sault Ste Marie, were passed with the support of the local community by ballot and are in and working. I think that was a democratic choice that they made.

When these things were being considered, and I was an MPP representing the northern part of Oakville, I took a message back to the government that Oakville chose not to have a community gaming hall. That was the message I sent back, and they listened and there is no proposal at this time.

1100

**Mr Caplan:** In the city of Toronto, where I'm from, there was a referendum on various municipal ballots, or a plebiscite, and we now have slot machines in the race-tracks within the city of Toronto, against the express wishes of the community residents. I would differ with you on the expansion of gambling.

I take it that the government looks to the commission for significant advice and direction as well. I wanted to ask you about one of the items that's on your CV. In committee work you list that you're an executive mem-



ber of the Cornerstone Club. Perhaps you could elaborate as to what that organization is and its purpose, and what it does.

**Mr Young:** I'd be happy to do that. The Cornerstone Club is fundraising for the PC Party. It's a party I've belonged to since 1985. I don't apologize for that. Everybody at this table, elected officials, belongs to a party. I think that's how we give the voters choice, and that's a role I played between 1995 and 1999 as an MPP.

The Alcohol and Gaming Commission is a different role. It's an adjudicative role with some administration, and I feel quite confident I can play that role in an unbiased manner. I've played many other roles, as chairs of various charities etc, in an unbiased manner and I would have no problem doing so with the Alcohol and Gaming Commission.

**Mr Caplan:** You're soliciting funds, large sums of dollars, from individuals and organizations. Would any of those groups fall under the umbrella of the Alcohol and Gaming Commission? Would they apply for licences or be regulated at all by the commission on which you would like to sit?

**Mr Young:** The Cornerstone Club does not solicit large amounts of money from organizations. It's basically a one-on-one. It's an individual process where people join and they have a certain status. They're invited to certain events and that sort of thing. It's not large amounts of money from corporations or anything.

I can assure you, if I ever came across any person who was in any way connected with the hospitality industry, I would avoid any potential conflict of interest in my role on the Alcohol and Gaming Commission. I'm sure I can do that. I have experience as an MPP watching very carefully for conflict of interest and I assure you I would do that as well.

**Mr Caplan:** So you concede it would be a conflict of interest for you to solicit funds from an individual who would be regulated or licensed by the Alcohol and Gaming Commission if you were to be appointed to that body?

**Mr Young:** In politics, perception is the reality. I wouldn't say it necessarily would be, but I would say to avoid the perception I wouldn't do that.

**Mr Caplan:** You wouldn't do it. Does the Cornerstone Club have members who would fall under the auspices of the Alcohol and Gaming Commission?

**Mr Young:** I don't know of any.

**Mr Caplan:** You don't know of any?

**Mr Young:** I don't know of any.

**Mr Caplan:** You are chair of the organization. I presume that you do receive detailed information about that group.

**Mr Young:** I'm not chair. I'm one of about 25 people on the executive.

**Mr Caplan:** You're not chair of that particular organization?

**Mr Young:** No. I'm on the executive.

**Mr Caplan:** It's just interesting. I had a copy of the newsletter. It said, "Cornerstone chairs." In fact, you're listed second, under Mr—

**Mr Young:** I'm sorry. Those are area chairs for Burlington-Oakville.

**Mr Caplan:** So you are a chair.

**Mr Young:** A chair of an area. That's correct, yes.

**Mr Caplan:** I was curious about a number of the groups and individuals who would be a part of this organization. Would you have any hand in soliciting funds from, say, Labatt Breweries or Magnotta Winery Estates or Molstar or the Ontario Jockey Club, all of which are rather large contributors to the Ontario PC Party? This is a fund of the PC Party. Would you have any role at all in soliciting funds from any of those organizations?

**Mr Young:** No. My role would be limited normally to the area that my title is chair of, which is as an executive member. I wouldn't do that. I understand the sensitivities and the perceptions and the reality, and I would not do that. I would pledge that to you today.

**Mr Caplan:** As you put it, the perception that that conflict would exist I think creates a significant problem. I feel it puts you in an untenable position to have the perception of, on the one hand, soliciting funds—and I don't know what you consider small or large, but I think they're quite large sums of money—and then, on the other hand, being involved in a regulatory and licensing body for individuals or organizations which could fall under your jurisdiction. I think that would be just an absolutely impossible situation to be in and to have to adjudicate in your own mind which ones are reasonable and which ones are not. How could the public have confidence that you would be able to do that or to know all of the relevant situations? I don't see how that would be possible.

**Mr Young:** You wouldn't have to adjudicate that in your own mind.

**Mr Caplan:** Who would, then?

**Mr Young:** As a member of the board you have other resources, which are the other board members. There are 13 board members and there is a chair. If there was ever any question in my mind, an administrative or adjudicative question, you have the resources of the other board members to go to. If I were ever asked to sit on anything where I knew the people—for instance, if I had a restaurant in the town of Oakville where I knew the owner—I could simply say to the chair, "I shouldn't sit on that. I know the owner," or, "I've met them through another capacity," and the chair or the registrar could have someone else sit on that from another community. So you can actually avoid those issues.

**Mr Christopherson:** Thanks, Terry. Welcome back. I want to say at the outset that I am one of those who has a high comfort level with appointing former elected officials from any level of government to positions, for a number of reasons. Hopefully not the strongest one is the fact that I'll be one some day, either by my choice or that of my constituents. But certainly for those of us who served during the time of and personally knew Hans



Daigeler, I think that shook a lot of people. I know that the former—what's the name of the association?

**Mr Young:** Ontario Association of Former Parliamentarians.

**Mr Christopherson:** I've got to learn it because I'll be a member some day; hopefully not too soon, but I will be a member. That jarred a lot of us when we watched what happened to Hans.

Certainly in my own community there was a bit of a backlash when Lillian Ross, the former MPP for Hamilton West, was appointed to a full-time position. I spoke out immediately, saying that I thought it was a good appointment. I knew that she was not someone of independent means and wealth or a professional, and she was serving in a way such that I thought her experience would reflect well on all of us in terms of where she ended up. I don't have a problem with that. In fact, I think there are some people who aren't used enough in terms of their experience. That's not a block for me and the fact that you're a Tory is not a block for me, per se.

I have to tell you, though—and your answer is going to mean a lot to me, so think about it. Not that it's not going to go through anyway, the Tories are going to carry it, but I consider these things to be important matters and very non-partisan from our point of view. I found your answer around the gambling curious too, and I share some of the concerns of David. You responded about the idea of gambling versus your background and your own personal values and said that it's already out there and there's a lot of it going on, you learned there was more of it when you became an MPP and you thought it was important to regulate that and ensure that there was—and I'm paraphrasing—a fairly safe and secure place for people to conduct this. At the risk of seeming to be argumentative, that's one of the main reasons why things like abortion services are provided in this community, because of the reality versus the way people would like the world to be.

My biggest problem is when I look at the requirements, Terry. They call for the principles of "honesty and integrity and social responsibility." I have no problem saying publicly right now, anywhere, anytime, that I would never question your honesty or integrity. I think you are one of the most upright, straightforward, honest politicians who has served here, and I would have no problem standing behind that statement anywhere. On the social responsibility, in terms of knowing your political philosophy, I start to get into some difficulty.

Two areas: One is the area that David Caplan has mentioned in terms of the fundraising and just the whole notion of sitting on a licensing board where decisions can mean huge sums of money, big money, in terms of whether you're granting a licence, and can also mean a business person has invested a whole lot of money thinking they're going to get it, and if it doesn't happen, they're out a lot of money and they're going to be upset. These are crucial decisions, not unlike zoning decisions, if you will.

1110

To have someone who is so closely tied with a political party and being a part of and staying with this Cornerstone Club—even though you may not be directly involved in fundraising with these businesses, your colleagues and people you're interacting with will be—I've got to tell you, that one really leaves me uncomfortable. It's just so close in terms of the appearance of conflict, and, as you stated, in politics that's much of the game.

The other part of it is, where there's a choice. Again, having the experience of sitting close together in the House, listening to your speeches and being in committees with you, I know that you're very pro-business and on the right wing of your party, and that's fine. But these decisions also, I know from my days as a local alderman—a liquor licence can change the nature of a community overnight. If you're only looking at the business case or giving too much emphasis to the business case, especially where it's one of these that could go either way, that worries me. That concerns me a lot in terms of the values and philosophy you would bring to those decisions, and I worry that there won't be enough consideration for the impact on the neighbourhood, the people who live there, especially when you link it to the possibility that you may know or be once removed from the person who's making the application in terms of the dollars.

If it were any other appointment, I'd be very supportive and would say so and this would be a short discussion, but on this one, Terry, it really gives me a problem. Can you respond to me in a way that you think might raise my comfort level?

**Mr Young:** With regard to your first issue, I'm not on the board yet. There's an acting chair, but I haven't had a sit-down meeting with the acting chair. What I will do is commit to the committee members today to sit down with the chair and discuss that very issue raised by Mr Caplan and take the advice of the chair on any potential or perceived conflict of interest. I'll commit that to you today.

On the second issue, I appreciate your raising that, because I spent many years before I was in public life on Crime Stoppers for Halton region, which is a community based volunteer organization. We raise money, answer the telephone and pay tipsters, many of whom call in and report crimes without even taking the money. They just want to do the right thing in their community.

I was also involved in community policing. We had monthly meetings with the police. It's basically a bunch of homeowners and parents who get together and meet with the police monthly and share information about the community to improve the quality of life in the community and policing. I was very involved with those community issues.

On the Glen Abbey Residents' Association, we met monthly. To anyone who wanted to build a building or change the community in any way, the council of Oakville would say, "Well, you should go talk to the Glen Abbey Residents' Association." We went to a lot of work, a lot of residents in addition to myself, and we



analyzed every change to the community. They would actually make changes to buildings, make changes to their plans to please the community. I was very involved with what happens in the community and protecting the community. It was not a matter of being pro-business or pro-community, it was a matter of finding the right balance.

I attended a meeting just several months ago. Home Depot wanted to open a big store on the North Service Road right next to our community, which most of the community members felt was inappropriate. I attended that meeting and participated in that issue as well. In other words, it's a great idea to have a store, but have it up on Highway 5 where all the other big stores are; don't have it down here on the North Service Road.

So I've been very involved in community issues where the community came first.

**Mr Christopherson:** That's helpful, and I know that you're sincere in offering those up. I've got to tell you, I'm having real difficulty with this particular appointment, Terry. I wish it were another. I'd like to vote in favour of it, because to some degree, at one level, it's a bit of a passing of judgment on a former colleague. I came in here wanting to support you but recognizing that I think these conflicts—I don't think it's good politics, I don't think it's good for the province to put someone who is so closely aligned to partisan politics, and in a fundraising nature, on something so closely tied to business, money and communities. You know I'm not a fan of the philosophy of the current government in terms of what they think about communities and how they operate. I just can't bring myself to support this.

I say to you very frankly that I would have no problem defending supporting you for something where I thought there was a good fit, because I think you have more to contribute to our province. Again, even though I disagree with a lot of your philosophy, I think the kind of person you are is good for Ontario, good for politics and good for democracy, but I think this is a bad fit, Terry, and I wish it was something else in front of me.

**The Chair:** Any other comments? Mr Young, would you like to make any wrap-up statement?

**Mr Young:** No, just thank you very much for the opportunity to appear. Thank you for your time.

**The Chair:** Thank you very much, Mr Young.

Having heard the three intended appointees, and having interviewed these appointees, we now have the time

for consideration of concurrence in the appointments. Is there a motion, first of all, on the selection of Mr James Grieve?

**Mr Wood:** I move concurrence in the intended appointment of Mr Grieve.

**The Chair:** Any discussion? All in favour? Opposed? Carried unanimously.

I'll now entertain a motion in concurrence for the appointment of Sharon Wheeler, intended appointee as member, Ontario Tourism Marketing Partnership Corp board of directors.

**Mr Wood:** I move concurrence in the intended appointment of Ms Wheeler.

**The Chair:** Discussion? All in favour? Opposed? It is carried.

Lastly, the intended appointee as member of the Alcohol and Gaming Commission board of directors, Mr Terence Young.

**Mr Wood:** I move concurrence in the intended appointment of Mr Young.

**The Chair:** Mr Wood moves concurrence in the appointment of Terence Young. Discussion? Mr Wood.

**Mr Wood:** I support concurrence and I do it on the basis that I think Mr Young has heard some considerations put forward today with respect to his outside activities that I know he's going to consider very carefully. I support this with the confidence that he is going to do the right thing in the areas of concern that were raised.

**The Chair:** Other discussion or comments? If not, I'll call the motion. All in favour? Opposed? The motion is carried.

You'll notice on the agenda a request by Bruce Crozier, MPP, for extension of the deadline pursuant to standing order 106(e)11 to review the intended appointment of Shehnaz Alidina, as member of the Ontario Rental Housing Tribunal. It is my understanding from discussions with members of all three political parties that there is unanimous consent for a 30-day extension. So I'll simply announce that as unanimous consent. I see nodding from all three parties.

Any other business before the committee adjourns? There being no other business, I'll entertain a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** Moved by Mr Wood. All in favour? Opposed? Carried. The meeting is adjourned.

*The committee adjourned at 1119.*







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First Session, 37<sup>th</sup> Parliament

## **Assemblée législative de l'Ontario**

Première session, 37<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

**Monday 27 March 2000**

# **Journal des débats (Hansard)**

**Lundi 27 mars 2000**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Monday 27 March 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Lundi 27 mars 2000

*The committee met at 1006 in committee room 1.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** Good morning, ladies and gentlemen. For the purposes of Hansard, this meeting is now called to order. We should have people here today responsible for the Queen Elizabeth Way and the traffic on it. However, we do not.

**Mr Joseph Spina (Brampton Centre):** From St Catharines.

**The Chair:** That's right.

The first item we have is a report of the subcommittee on committee business dated Thursday, March 9, 2000. It's attached in your information. I need a motion to approve the subcommittee report. Moved by Mr Johnson.

All in favour? Opposed? Carried.

The second is a report of the subcommittee on committee business dated Thursday, March 16, 2000.

Before we pass this particular motion, we have received word from one of the intended appointees that he will be unable to be with us. Mr Royal Poulin, the Ontario Northland Transportation Commission, will be unable to be with us on the date that will be prescribed. Mr Johnson has indicated to me that it is acceptable to him, as the whip for the government on this committee at this time, to extend for 30 days the opportunity to interview Mr Poulin. If that is acceptable to all three parties, we will do so. Is that acceptable?

**Mr Bert Johnson (Perth-Middlesex):** I would suggest, Mr Chair, that that should be an amendment to the report, and then we'd accept the report.

**The Chair:** I think that's a good idea, if you would make that amendment, Mr Johnson.

**Mr Johnson:** I will.

**The Chair:** Thank you kindly. Any objection to that?

All in favour of the report? Opposed? Carried. So the report is carried, as amended.

## INTENDED APPOINTMENTS

## FRANK POTTER

Review of intended appointment, selected by official opposition party: Frank Potter, intended appointee as vice-chair, Ontario SuperBuild Corp board of directors.

**The Chair:** The appointments review begins at 10 am, and we can see it's a little past there.

Our first intended appointee this morning is Mr Frank Potter, an intended appointee as vice-chair of the Ontario SuperBuild Corp board of directors. Mr Potter, you may come forward, please, if you would. This was a selection of the official opposition party. Would you like to make an opening statement or opening remarks, sir?

**Mr Frank Potter:** I would, Chairman. I have a short statement to read.

Chairman, committee members, I am appearing before you as the nominee to the vice-chairmanship of the Ontario SuperBuild Corp. I believe you have a copy of my curriculum vitae. As you can see, I have spent the bulk of my career in finance and public service. The majority of my banking experience has been in international banking, including several years in a number of countries outside Canada. I also spent nearly nine years as executive director of the World Bank in Washington, where I was the senior director on the bank's executive board and chairman of the bank's steering committee. I was later an adviser at the Department of Finance, interested principally in fiscal policy. After leaving finance five years ago, I became a corporate director and sit on a number of boards divided more or less evenly between corporate and volunteer organizations.

My association with SuperBuild Corp began late last year when I was approached by the consultant conducting the search for the new CEO. I was not interested in a full-time position, but I did indicate to the consultant that the mandate was of considerable interest to me. It is a field in which the World Bank had done a good deal of the early work, and one where in my opinion the combination of good public policy and well-structured private initiative has the potential to deliver substantial welfare gains.

The possibilities of mobilizing private capital to serve public purposes are very real, as we have seen in other jurisdictions, but not easy to do well. The issues are almost invariably complex, but the consistent and sometimes dramatic improvements in productivity and service levels which have been demonstrated so conclusively elsewhere suggest to me that there is a compelling case for trying to accomplish the same gains for Ontario.

SuperBuild is just now beginning to put its work plans in place, and I would expect that the management will be putting its ideas to the board in due course. At this early stage, I'm afraid my knowledge of the agency's activities



and objectives present and future is therefore not very developed. However, I'll be more than happy to try to answer any questions which you may have about my background and qualifications.

**The Chair:** Thank you very much, sir. We'll start with the official opposition. Mr Phillips.

**Mr Gerry Phillips (Scarborough-Agincourt):** It is an impressive background, and I appreciate your letting your name stand.

The 407 is the first example the government uses of a good public-private sector partnership. In my view, it's a bad example, and perhaps I can get your view on it.

The government essentially sold it for twice what it cost to build, which may sound fine except that it will be the users, the taxpayers, the people who wanted the 407, who will pay for the fact that the government built the road for \$1.5 billion and sold it for \$3.1 billion. What it will mean is the tolls are essentially twice what they need to be, because obviously the consortium wants a reasonable return on investment. They've invested \$1.6 billion more than it cost. The government guaranteed that they could take the tolls up without limit. If you didn't pay the tolls, you didn't get your licence renewed. They sold it for 99 years, which was beyond any advice I think they got.

I want to take advantage of your experience now on the SuperBuild Corp. As I say, the government's first example is the 407. I think it was a great deal for the private sector. It was a good deal for the Harris government; they closed it the day the election was called. But for the people we are trying to serve—that is, the people who wanted the road—they are going to pay forever, at least for 99 years, twice the tolls they would have had to pay.

I'm wondering, with your experience both elsewhere and now on the board, how you view that 407 deal. Would you have done it the way they did it, or do you have some advice as to how it could be done differently in the future?

**Mr Potter:** I'm not going to try and duck the question, but the truth is I don't know much about 407. It's always possible to do things well or badly, but I'm not sure it should detract from a pragmatic examination of the case for something like 407. My attitude toward the case would be an open attitude and a pragmatic attitude.

I would have to assume that there is some limit to the capacity of any government to raise funds and deploy resources in whatever sector it may be: health, education, child care, who knows? To the extent that it can harness resources, that it can mobilize private resources and produce facilities which have the potential to contribute to a public good, it seems to me to be worth trying.

If the numbers in 407 are not satisfactory for some reason—and that's entirely possible—I'm afraid I'm not familiar with them.

**Mr Phillips:** One issue for all the directors I think is conflict of interest between their other activities and their interest on the SuperBuild. One of the challenges of this board will be that it's going to have responsibility for \$20

billion worth of investment. It's the funnel through which everything will flow in capital investments. One of my concerns with taking it away from the bureaucracy and putting it in the hands of an advisory group is the potential for conflict down the road.

Have you had a chance—well, obviously you have because you've accepted the position—to determine whether there is the potential for conflict and how you would plan to handle that? I notice you're a director of Teranet.

**Mr Potter:** I was a director; I'm no longer a director.

**Mr Phillips:** Oh, you're no longer a director. So you have no conflicts, then, with people who—

**Mr Potter:** No. I can imagine areas in which I would have a less-than-objective interest, in which case I would have to declare those and recuse myself. I'm the chairman of the ROM Foundation. The ROM has some ambitions to improve its facilities and I'm very confident that at the end of the day there's going to be a covetous eye cast towards SuperBuild. Public institutions of that kind will look to SuperBuild for support, and if the ROM appears on the SuperBuild agenda, then I obviously won't be able to participate and I'll have to declare a conflict.

**Mr Phillips:** But you wouldn't have any conflicts in the private sector?

**Mr Potter:** I beg your pardon?

**Mr Phillips:** None of your private sector ones? You're no longer a director of Teranet.

**Mr Potter:** I can't foresee something like a life insurance company or a retailer falling into conflict, but if it were to happen I think standards of good governance, whether it's SuperBuild or anywhere else, declare participants to declare conflicts. I would do that, although this is an advisory board. To the extent that we offer opinions, we're not making decisions; that prerogative remains with the cabinet and with the government, with the mechanisms of elected officials. I would have thought the prospects for conflict are relatively minimal.

**Mr Phillips:** I assume that was something that was covered in the screening of any directors coming on to the board.

**Mr Potter:** Which was?

**Mr Phillips:** Conflict was something that was covered with each director before—

**Mr Potter:** Do you mean that it was discussed? Well, it was made very plain that this is an advisory board, yes.

**Mr Phillips:** With your experience around the globe in private-public sector partnerships, what would be some of the criteria you would see as crucial? The reason for my question is that I think the 407 user was left out to dry on the 407. I don't think they were considered in the deal. I wonder if you have any advice for us in terms of the criteria you would be looking at for these private sector partnerships.

**Mr Potter:** The thing I would put at the top of my list is pragmatism. It's not a subject that lends itself to doctrinaire discussion. It's a matter of trying to understand needs. It's a matter of taking tremendous care in



defining objectives and articulating standards with great care so that the inevitable conflicts which arise between public policy and private investment are catalogued, and people understand what they are, and that the boundaries are set and the rules of the road are well articulated.

1020

**Mr Phillips:** I'm anxious for you, at the end of my question, to give us some examples of things you think would be good examples of private sector partnerships. There are three kinds that I'm aware of. One is where the private sector are essentially sold a stream of revenue. That's the 407; they were essentially sold the toll users. "We're going to have a very congested area north of Toronto over the next 99 years. We'll sell you the users of the road," or, for a sewage treatment plant, "We'll sell you the stream of revenue you can charge for processing that."

The second one is where the private sector will build something—

*Failure of sound system.*

**Mr Phillips:** —where the private sector get some commercial benefit, "If you agree to do this, we'll give you double the coverage on that piece of land," or something like that.

What would be some good examples of private sector partnerships that you can envision for Ontario?

**Mr Potter:** I'd be very open-minded, frankly. I'd be wary of not being willing to examine any area of service where there is hope of marrying private entrepreneurial management and capital for the provision of a service. Nothing springs to mind immediately.

I'm not offended by the idea of a toll route. If the pricing is wrong, presumably there will be a reflection in utilization. I assume people who are using that road are willing to pay the tolls, and if that arrangement has freed up an amount of capital which is available for investment elsewhere in the province, that seems to me on the surface to be worth thinking about and looking at and trying to get right. You can do a bad deal anywhere; it's easy to take good initiatives and screw them up. But I'm not offended by the idea that somebody should operate a road and be paid for the convenience of providing that service if someone is willing to pay voluntarily.

**Mr Phillips:** I'm not either. It's—

**The Chair:** Sorry, Mr Phillips. The time is up for your questions. For the third party, Ms Churley.

**Ms Marilyn Churley (Broadview-Greenwood):** Welcome. Thank you for joining us this morning.

I want to come back briefly to Highway 407. I recognize that you said you weren't aware of all of the details of that particular situation, but many of us and many drivers see it as a disaster for them, the way it unfolded. So I want to ask you a more specific question about it—that still, I think, can be fixed. For example, the level of usage that would trigger a cap on the private company's ability to raise tolls has been kept secret; it has been kept from the public. What I want to ask you is, do you think the terms of contracts between the government and private companies for infrastructure investment should be

made public or, as in this case, should they be kept secret from the public?

**Mr Potter:** Well, I don't know that case, but if you look at the literature dealing with the field of infrastructure investment in the private sector, one of the principles which is always evident is the need for transparency. But the need for transparency can never be absolute. There are going to be areas in which private, confidential information is deservedly protected for the investor. That's just a fact of commercial life. Where the boundary lies in this case I don't know, but my instinct would be toward transparency, recognizing that you will never get perfect transparency.

I'm not aware of the formula you've described. I can imagine that if traffic falls below a certain level, then they need recourse to revenue improvements. I suspect that's what it's about.

**Ms Churley:** Yes. I just don't understand, in this situation, why that kind of information could not be made public. I don't understand why that would hurt the investor. Do you?

**Mr Potter:** I just don't know. My presumption would be in favour of transparency.

**Ms Churley:** So based on the knowledge you have at this point, from what you said, I could take it that you would prefer to have this kind of information made public, that you think it should be.

**Mr Potter:** I would prefer it, but I wouldn't presume to say there's not a good reason why it's not in this case. I spent part of my life financing these kinds of projects, and of course the lenders get very worried about risks and defining limits to risk and attempting to put language in place that buttresses the kind of protection they want. I suspect that that has given rise to that—lenders in the background worrying about project risks.

**Ms Churley:** I suppose so. But as you may be aware, when the NDP government first negotiated this private-public transaction on Highway 407, the concept at the time was that there be tolls until the highway was paid for. Under the Harris government, that was changed, and even after the highway is paid for people are going to have to continue paying those tolls. Of course my party thinks that's really unfair. It's a disaster. That was not the intent of the public-private partnership at the time. Now people are going to be asked to pay these tolls indefinitely, and they're going to be able to raise these tolls without telling the public why. I hope that if you are appointed, you will take a look at that.

The other thing I want to ask you about is, do you think that highways that currently exist or highways that are being built to replace existing highways should be tolled, or should tolls be ruled out—not brand new highways particularly, but highways that are being built to replace existing ones, plus existing?

**Mr Potter:** I don't know. I think you are asking that of the wrong person. I think the job of the crew that is being recruited to this board is mostly to deal with methodologies—financial methodology. The application of sensible public policy to all this, what makes sense in



terms of reflecting the will of the community and so on, is made by other people, and I think that sort of question lies out there. You deal with that before we think about how you do it, not whether you do it.

**Ms Churley:** I see. So you see your role as giving mostly financial advice as opposed to policy advice.

**Mr Potter:** Yes, I do.

**Ms Churley:** I see. I guess most of my questions were more around policy questions, because they are of great concern right now, given the direction the public-private partnership is going. Perhaps I could ask you, then, about the amount of investment. The government is putting in \$10 billion for the next five years, \$2 billion a year. That's much less than even the NDP government put in, in the last year in office, which I think was about \$3.8 billion. The Tories have averaged \$2.7 billion over the past four years, so it has actually gone down. Given what you know to date about the possibility of making these kinds of partnerships, do you think that's enough money?

**Mr Potter:** That depends on how much leverage can be applied to mobilize other resources. The total investment in infrastructure in the province has clearly lagged. There are yardsticks available. I have some notion of the numbers, but I wouldn't quote them. But there are ratios of GDP that represent passable amounts of investment in public infrastructure. By those yardsticks, I think we have been falling behind, and so we see a depreciation of the capital structure in the province. I think most people would agree with the argument that infrastructure of a high standard facilitates economic performance.

If we're worried about the welfare of the community and its ability to produce and compete and prosper, and therefore have choices to make, infrastructure is an important part of that. To the extent that there's less public money, then clearly there has to be more private money. I believe that's possible, and I believe it brings some salutary effects to the process as well—not universally salutary but salutary on balance.

1030

**Ms Churley:** I guess, though, you would also agree there is a really delicate, fine balance here. If there isn't a significant amount of public investment, the more you have to rely on the private sector, perhaps that balance is lost and, as in Highway 407, too much is given to the private sector at the expense of the public. Do you think there needs to be that kind of balance, and is that something you could see looking very carefully at in your role, that the public interest is protected in these kinds of partnerships?

**Mr Potter:** I don't see how anyone involved in this process can be oblivious to that, because that's the minefield. There is so much suspicion and reservation about the utility of the process that anyone, even true believers, should be very sensitive to this.

**Ms Churley:** Are you a true believer? You walked into that one.

**Mr Potter:** I hope I'm a pragmatist. I hope I'm open-minded about it. I can think of lots of areas where private investment is not suitable.

**Ms Churley:** You see, that—

**The Chair:** Sorry, Ms Churley, the time is up. The government caucus.

**Mr Johnson:** I want to welcome Mr Potter. We haven't had the pleasure of meeting. I want to say I am impressed with the experience you bring to this position, should you be successful, and I want to congratulate and thank you for offering to serve your province in a public way.

I think Mr Young has some questions.

**Mr David Young (Willowdale):** Before I commence my questioning, I want to reiterate what was just said about the applicant and what Mr Phillips said so well. It's hard to consider you, Mr Potter, without being impressed by your credentials and your experience. On the face of the documentation in front of us, we're truly fortunate to have someone with your experience, both nationally and internationally, and I'm certainly pleased about that.

My friends on the other side of the room have spent a fair bit of time this morning discussing the 407 and have chosen to ask you certain questions that one might say are loaded by reason of their view of things. I think, more importantly, that we would like to hear from you about international experiences with public-private partnerships, if you can speak to that. I notice that, with the World Bank, and with the International Development Association thereunder, I guess, you likely have considerable experience, and maybe you can speak to how those endeavours have proceeded, both in terms of process and the actual results that were achieved.

**Mr Potter:** My impression, which I think is probably a general one, is that there has been a trend in the last decade or so to examine the boundaries between the role of government and the place of private capital in the provision of public services. I would say that on balance the record sustains that agenda. It's been found that well-designed projects have a capacity to provide services to the public without incurring the burden of additional revenue take. The fiscal burden is reduced or eliminated, and there are methods which serve to harness the ability of the private sector to manage things and, without wishing to give offence, I think the general view is that the private sector does tend to manage commercial enterprises better than governments. The objective is to harness that managerial capacity in a way which serves public purposes, which means that it has to be well defined, it has to be transparent and it has to be well regulated.

In a community of this standing where the resources are so rich indeed, the intellectual resources and the legislative and regulatory resources and so on are so refined, that's not as much of a challenge as it is in many parts of the world where the investors so often have the advantage over governments and the results therefore are perverse, and it serves to undermine the arguments that the objectives are worthwhile. They give rise to really serious political disappointments and public polarization and so on. In a place like Ontario where the capacity to do it well is so clearly in place, it seems to me that it's an



agenda that can be attempted with relatively little risk, less risk than most other places.

**Mr Young:** The challenge isn't quite as great in this jurisdiction because of some built-in safeguards, I guess, that exist both judicially and otherwise. Is that what you're saying?

**Mr Potter:** I'm sorry?

**Mr Young:** The challenge of ensuring that the process is a fair one is somewhat less here as compared with some of the international markets that you might have dealt with?

**Mr Potter:** We're capable of defining high standards of regulatory behaviour in a place like Ontario. We know how to set the rules clearly, and we know how to arrive at definitions and boundaries and mechanisms which will do the job. In the absence of those kinds of mechanisms, you get into all kinds of trouble, in jurisdictions where that capacity doesn't exist.

**Mr Young:** Sure. The final report of the Ontario Jobs and Investment Board, A Road Map to Prosperity, which was released just about a year ago today, argued that if Ontario was to remain globally competitive, major capital upgrades to the province's infrastructure were needed. The board recommended that the government should endeavour to invite the private sector to participate in the necessary capital investments and make effective use of alternative financing and delivery mechanisms such as user-pay, privatization, contracting out and private-public partnerships.

Those comments were made in the context of being competitive on a global basis, and I'm wondering if you can comment, as well, on the necessity to involve both the public sector and private sector in this endeavour, to ensure that we are, as a province and as a country, competitive internationally.

**Mr Potter:** When I was asked if I would be interested in this job, I read that report and I thought it was a good report. I thought it was an objective piece of work which happens to share an economic point of view which I hold, rightly or wrongly. But having tried to do this in a place like the World Bank, which is basically in the business of trying to eliminate poverty and is dealing with communities where welfare standards are so low, and the whole bias of the institution is kind of a bottom-up orientation to welfare, these techniques work even there, and they should work even better here, in my view, because we have the capacity to do it well.

1040

I find it hard to understand why we would not want to harness the wider abilities of the community managerially, entrepreneurially and financially to serve a public agenda. It just seems to me the sensible thing to do, if you understand that there are going to be differences in their objectives which are reconcilable, but differences which still have to be thought about and catalogued carefully.

**The Chair:** Thank you very much, Mr Potter, for your appearance before the committee. You may be dismissed now, as they say, and your appointment will be considered later in the day, at the conclusion.

**Mr Potter:** Thank you, sir.

## DIANE BEATTIE

Review of intended appointment, selected by official opposition party: Diane Beattie, intended appointee as member, Ontario SuperBuild Corp board of directors.

**The Chair:** The next intended appointee is Diane Beattie, intended as member, Ontario SuperBuild Corp board of directors. Ms Beattie, do you have an opening statement you'd like to make?

**Ms Diane Beattie:** First, Mr Chairman, let me say that it's an honour to be asked to be on the advisory board for the SuperBuild Corp. As most of the members of the committee may not know me, I thought it would be helpful just to give you a brief backgrounder.

Since 1988, I've spent most of my work and volunteer life and time with numerous communities in south-western Ontario. I hope the following brief summary provides you with an overview of my qualifications for this role.

From the spring of 1988 until 1990, I was the sales manager in Windsor. My responsibilities in that case included building pipeline infrastructure throughout Windsor and Essex county for natural gas. This involved working with businesses, industries and municipal officials to ensure that Windsor-Essex had the best possible energy solutions and options to ensure economic growth.

From 1990 to 1998, I worked out of the Union Gas office in London in three roles: the region sales manager, region operations manager and general manager. Again, in each of these roles a key responsibility was to expand the pipeline infrastructure, this time in Lambton, Huron, Perth, Middlesex, Oxford and Elgin counties.

The economic viability of these projects was often a challenge, as we had to justify the economics both internally and to the Ontario Energy Board. By building partnerships and relationships and through collaborative teamwork with municipalities, we were able to install millions of dollars of pipeline infrastructure that provided the communities and local businesses economic advantage.

The relationships we've built to be successful were with the community, the local businesses, elected and municipal officials, the MPPs and the MPs in the area. As I said, it wasn't always easy, but in the end, knowing that many small businesses and communities viewed this as a key to their future success was extremely rewarding.

Over the past two years, my role as director of business development has been to look at opportunities to further partner with municipalities and municipal electrics to see if there are opportunities to jointly reduce costs to customers by working more closely together. In Chatham-Kent we have established a very successful pilot partnership with the city and the hydro commission.

In my volunteer life, I've had a very interesting and challenging five years, first with the merger of two of London's hospitals, University Hospital and Victoria



Hospital, to form the London Health Sciences Centre, followed by my term as chair of the joint committee on restructuring in the city of London in which we developed a city-wide collaborative approach to restructuring. Now, as chair of the board of the London Health Sciences Centre, our current challenge is to build the infrastructure to provide effective health care for the next 10 to 15 years. The other key challenge is to effectively manage the operating costs. I think to be successful over the next four to five years, relationships with communities in southwestern Ontario that are part of the regional referral area for the hospital will be absolutely critical.

During this time, I've built relationships with all of the local MPPs in the London area. Marion Boyd, our former cabinet minister from the NDP, has been tremendously helpful, as has Dianne Cunningham and Bob Wood, who I think normally is part of this committee. As we've moved forward, I've had to work closely with the Minister of Health, Elizabeth Witmer.

From an educational standpoint, I have a degree in mathematics from the University of Waterloo and an MBA from the University of Windsor. The MBA I did part-time, so I understand a little bit of some of the things that other industries were doing, because I spent an awful lot of time with colleagues in the auto industry etc.

Over the past few years I've attended executive programs in marketing and finance at the University of Western Ontario and Queen's University.

As I have not as yet attended a board meeting for the SuperBuild Corp, I may not be able to answer your specific questions and issues. However, I thought it might be helpful to provide you with my understanding of the role.

Critical to the success of Ontario is the strategic use of capital to sustain economic growth. This means that as a province we need infrastructure to support economic growth and provide a solid base for growth, infrastructure to be in place when and where it is needed and new methods of funding that leverage government dollars. The role of the advisory board is to provide strategic advice on the long-term direction and approaches of the corporation. It is my understanding that all decisions on projects and actual allocations of funds would be made by the government.

In closing, again I'd like to say I'm honoured to be asked to be a member of the advisory board for the SuperBuild Corp.

**The Chair:** Thank you. We begin with the third party. Ms Churley.

**Ms Churley:** Welcome. Thank you for coming today to present and answer our questions. I believe you were sitting here for part of the previous round, so you have some idea of the concerns that are being raised. I wanted to ask you the same thing I asked the previous person about Highway 407 and that sale and the balance there needs to be in public-private partnerships where yes, there's a decent profit for the private sector but the public is protected. I gave a specific example, and that is the

level of usage that would trigger a cap on the private company's ability to raise tolls. That's being kept secret. I just want to ask you, do you think the terms of the contract between the government and private companies for infrastructure investment should be made public?

**Ms Beattie:** As we move forward with all of these types of initiatives, they have to be based on a sound business case and guiding principles. As you work through those and make sure you've got an understanding of the needs and how you're going to fulfil those, then you move forward. I agree with the comments that were made that there is need in some situations for confidentiality but there's also a need for what was termed "transparency" and moving forward. So I think each scenario has to be looked at and each business has to be looked at separately, and a business case has to be developed and put forward.

**Ms Churley:** OK. I wanted to come to the role of SuperBuild, because, as you know, in addition to the role in infrastructure, SuperBuild will also review privatization of government assets. What impact do you think foreign ownership of much of our electric generating capacity, with profits and decision-making flowing south, will have on Ontario's economy? Do you think the government should engage in some kind of public examination of this issue?

**Ms Beattie:** That's a loaded question.

**Ms Churley:** It's a loaded question, but that's what's starting to happen, and I believe that there are, and should be, some concerns about that.

**Ms Beattie:** Again, I think as you move forward in each of these environments, the business case and the process, the guiding principles that are going to put things in place, have to be very clearly articulated and understood. I think as we look in the energy sector, and in all sectors, we're heading much more to a global economy, and Ontario has to be in a position that we have a very strong base and very strong understanding of how we are going to move forward. That's why I think these guiding principles and business cases have to be understood in the full context of what's emerging around the world.

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**Ms Churley:** You said in your opening statement that the government will be making the policy decisions and your role is to advise. Do you see your role as having some concept and say in the balance I keep talking about and in advising the government about transparency, about the public's right to know, about the public being protected? Do you see at all a role you can play as an adviser there? It's not just the opposition but many people in the public—we are reflecting here today the public's response to what happened with 407, and the fact that there's so much secrecy there. Do you see a role for you to play in that, if you feel the government is not doing its job in terms of making sure that balance and transparency are there?

**Ms Beattie:** Again, I haven't attended a meeting, so I'm not sure of all the missions and goals of the organiza-



tion. I haven't had a chance to discuss and dialogue that. But I think you have to come back to, here are the business principles around which we are working in this environment. If that is a key guiding principle, then it needs to be discussed and understood: What are the needs? How are you going to work this through? What are your options and alternatives? So it really has to have a definitive and disciplined approach. I think that is what the advisory board can help with: Here is a strong, disciplined financial environment to work from.

**Ms Churley:** I want to ask if you are aware of any superb public-private partnerships that have really worked for the public as well as the private sector. I want to tack on to that a question on one that didn't work very well, and that was the water privatization in Great Britain, where huge profits were made by the private sector but rates went through the sky for consumers and a lot of people were actually cut off. I don't know if you are aware of that situation. That is a really good example of one where the corporate world made a lot of profit and the consumer ended up paying a lot more. It didn't work for the consumer; it did for the private sector. That is an example of a bad one. Do you know of a good one that has worked for everybody?

**Ms Beattie:** Not off the top. I'm sorry, I don't have a good example for you.

**Ms Churley:** Right. You know about the water privatization one, do you?

**Ms Beattie:** I have done a little reading on things that have happened in different parts of the world.

**Ms Churley:** What do you think went wrong in Britain? Maybe they didn't have a good advisory committee.

**Ms Beattie:** Must have been. You have to learn as you move through these. You have to have a strong learning commitment as you work forward. I think our challenge is to learn from those types of examples that some people view as very harmful to the community and that other people may see as very positive to the community. We have to figure out the balance and our guiding principles for moving forward in these types of relationships.

**Ms Churley:** Thank you.

**The Chair:** I believe Mr Spina is the government representative. Do you have some questions?

**Mr Spina:** Thank you, Ms Beattie, for accepting the nomination to this important initiative on the part of the government—at least we perceive it as an important initiative.

You have an interesting background, which I guess is a mix of corporate as well as major community involvement. I think that is an important mix to bring to the table. I know you haven't been briefed entirely, because you still are not officially appointed. However, I believe you as a nominee have been given a document on the overall mandate of the committee, the board and the corporation.

Let me ask you this: Do you feel that the context of the board and the philosophy of taking public sector money from the various ministries will actually work in

leveraging with private sector partners? Will the other people come to the table, I guess really is my question, in your opinion, having worked for so long in the private sector?

**Ms Beattie:** As you look back through some personal examples and things that have happened in various organizations, if you want to focus and have commitment, I think one of the tactics that works very well in a time frame—and this is a five-year time horizon—is to focus and bring things together on a centralized basis so that you do get the ability to prioritize and use funds in the best possible ways. I think as governments work through that process, it is very attractive to the private sector to look at working together, because they understand specifically what the parameters or rules of the game are going to be.

**Mr Spina:** Are we still OK?

**The Chair:** I'll give you another one.

**Mr Spina:** Good, one more. Thank you, Mr Chair.

Our time gets limited by the amount of time you speak, and we appreciate the time you put into it to give us a bit of a broader background.

Are there any specific areas, from an economic development perspective, where you feel this province could enhance its competitiveness on a global basis, which is one of the goals we want to achieve?

**Ms Beattie:** As you look at the categories that the SuperBuild Corp needs to work with and through, I think all of those categories are absolutely crucial to our well-being. Certainly from a business perspective, having the highway infrastructure and the roads to take product to market etc is going to be critical to us. But if we're going to have a strong future, having schools and universities that have the facilities that can teach children and young adults and bring them forward is also absolutely critical to us. As we've heard in the press, at least in the last couple of weeks, health care and being able to have a healthy group of people, to keep moving forward, is also a major concern.

**The Chair:** Official opposition, Mr Crozier.

**Mr Bruce Crozier (Essex):** Good morning and welcome. I want to add to the comments of the others that your background, certainly for this appointment, is a very good one. I note in particular of course that you mentioned having spent some time in Windsor and Essex county; therefore that can't help but add to the background that you have. In fact, you may be familiar with the expansion of the greenhouse industry, and when you were with Union Gas that obviously was part of your responsibility at that time. It's just absolutely tremendous, and continues in that area.

**Ms Beattie:** I think that's where infrastructure and getting it in place really has helped, because people have worked together to make that happen. I can't believe how much glass is going up down there; it's fantastic.

**Mr Crozier:** It is indeed.

The board of directors is now being appointed about a year into the mandate of the SuperBuild fund. In fact, about 15% of the funds, as you probably are aware, have



already been designated. I then say to myself, if the government has operated this with the advice of whoever for a year and 15% of the funds have already been delegated, does this in any way make you feel that there has been a direction set by the board that you would follow, a pattern set, or do you feel the board will have the flexibility to look at all options in all areas?

1100

**Ms Beattie:** My understanding at this point is that it's the government's and the members of Parliament's responsibility to actually say, "Here are the funds," and say how they will be allocated. The responsibility of the advisory board is to help look at processes and guiding principles to make sure that over the next five years we do this in a way that's going to be beneficial to the province.

**Mr Crozier:** Help me. Are you saying, then, that notwithstanding the board's role, the government will in fact determine what areas these funds are allocated to; that you, as a board and a board member, will only be concerned about the process?

**Ms Beattie:** At this point, my primary understanding of the role of the board is that it's to be concerned about providing sound advice and making sure the processes such as business plans and business cases are there.

**Mr Crozier:** That's interesting. Thank you. I think my colleague has a question.

**Mr Phillips:** Just to comment on that, the board has some fair power. It recommends, recommends, recommends.

My question is on the transparency issue, just to get your view as a board member on how you would handle it. Again I go back to the 407, because I think that's a rip-off for the users. The owner of the 407 recently raised \$325 million in a bond issue. Part of that bond issue said that if you wanted to buy a bond, you could go and look at the tolling agreement. It said you could go to the office and look at it or you could have it sent to you. So the investors had a chance to look at this.

I phoned them and said: "I'd like to look at this thing. I'm coming up."

They said, "All right, but are you going to invest \$100,000?"

I said, "Well, you never know."

"Are you represented by a broker?"

"Well, I can get one."

"Oh, by the way, if you come and look at it, you have to sign a confidentiality agreement that you will never disclose any of the contents of what you are shown."

My point is this: The poor users of the toll road, the public, the hard-working taxpayers, are not given a chance to look at this agreement, but investors, who stand to make money on the backs of the toll users, do get an unfettered look at it to make their investment decision. So you've got this what I regard as totally unacceptable proposition, which the government put into the contract, where the money people can look at it and the taxpayers can't. Even I, as a representative of the taxpayers, am

told that if I look at it, I have to sign a legal, binding agreement that I'll never disclose what I saw.

You're going on the board now which will make these kinds of decisions. Would you contemplate ever allowing that to happen in future private-public sector partnerships?

**Ms Beattie:** Again, I think the comments made earlier are very appropriate and fall in line here. There are times when I think, on a general basis, you want to have transparency wherever you can. But there are certain situations—and I personally don't have enough background or understanding of all of the things on the 407 to comment on that, so I can only comment in a general sense. I think there are times when confidentiality comes into play. So will you get 100% transparency? I don't think that's possible.

**Mr Phillips:** You're an employee of Union Gas. I would speculate that Union Gas will be involved in many public-private sector partnerships in the future. It is at least a question for the board. An alternative would have been that the government could have selected a representative of your industry to sit on the board, but they've chosen individuals to sit on the board.

Have you any thoughts for us in terms of how conflict is avoided in the future? I realize that if Union Gas has a proposal before the board, you would absent yourself from it, but are there any agreements that you will not disclose to Union Gas the discussions that take place at the board?

**Ms Beattie:** In the particular case of Union Gas, I'm not aware that they have any proposals that would come to the board. If there is information that would be considered to be of a critical nature or a competitive advantage, then if I'm on this board there are things that I would obviously have to accept as this would be considered a competitive advantage and would not be able to disclose to the organization I work for.

**Mr Phillips:** I don't mean to put you on the spot. I'm very curious about this board. Before you accepted this, were there guidelines spelled out to you of the things you can disclose to Union Gas and the things you can't disclose to Union Gas?

**Ms Beattie:** We talked generally about conflict-of-interest issues, and because it's an advisory board and has to do with how this would work, the processes and making sure we have good business plans etc in place, there wasn't a significant expectation that that would happen.

**Mr Phillips:** The terms of reference say that the board will recommend the government privatization initiatives, will make recommendations on partnerships and develop proposals for capital investment. It goes beyond, in my judgment, advisory. It's the board that makes the actual recommendation. It says to the government, "Here are the projects we believe the government should be approving." So, as I read these, the role is more than merely advisory. Or am I misreading the role of the board?

**Ms Beattie:** I can't answer that one, I'm sorry.



**Mr Phillips:** I don't mean to put you on the spot. You happen to be one of the few we can interview and you do have a private sector employer. As I say, there was an alternative, which was to say, "We need someone from the university sector to represent the universities, someone from the colleges, someone from the utilities sector." I think there's someone from Hydro coming on. But they've chosen to go a different route. I think you've answered my question on what's been agreed upon between yourself and the board.

**The Chair:** Thank you, Mr Phillips, and thank you, Ms Beattie.

What I will do, to be of assistance to particularly the government members, is indicate the time each party has ahead of time so that we will be aware. As has been pointed out by Mr Spina, but for anyone in the room, the normal procedure is that any time that is taken in the initial statement by the intended appointee of the government is subtracted from the time the government members have to ask questions. So in fairness to the government members I should be indicating the precise amount of time. I'll try not to cut you off in midstream or anything like that.

#### MARY MOGFORD

Review of intended appointment, selected by official opposition party: Mary Mogford, intended appointee as chair, Ontario SuperBuild Corp board of directors.

**The Chair:** Our next intended appointee is Mary Mogford. Welcome to the committee, Ms Mogford. Do you have an opening statement?

**Ms Mary Mogford:** Good morning, and thank you for inviting me to meet with you to share some information on my background and experience, and more particularly why it is that I believe I'm qualified to sit on the SuperBuild board.

As you'll see from my brief, a more up-to-date CV that Mr Arnott is just handing out, my background has given me extensive experience in the public sector, in the private sector and in the broader public sector. As you know, all three sectors are key partners under SuperBuild.

First, I had a long public service career across a broad range of ministries over 22 years. I began my career as a junior economist in the Ministry of Treasury and Economics, moved from there to the Premier's office as a secretary of the cabinet committee on resources development and was a policy adviser to the Premier on economic development and resources issues. From there I moved to become executive director of finance in the Ministry of Community and Social Services, and after that moved to the Ministry of Natural Resources, where I spent 13 years, first as director of policy, then as assistant deputy minister and finally as deputy minister working first with Premier Harris when he was Minister of Natural Resources and then with Mr Kerrio.

After that, I became Deputy Treasurer of Ontario and Deputy Minister of Economics in Premier Peterson's

government, working with Mr Nixon as Treasurer before moving to the private sector in 1989.

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In many of these different roles, I had a good opportunity to be aware of and understand the critically important role of infrastructure in contributing to a sound and vibrant economic base. For example, during my early years in treasury and economics, I was based for much of the time in northern Ontario, where I worked with municipal and business leaders from White River to the Manitoba border on a socio-economic assessment of the region. This led to a report called Design for Development: Northwestern Ontario, which laid heavy emphasis on the importance of a broad range of infrastructure for improving the potential for the economic development of the region, and a number of the suggestions made in the report have been implemented since.

After that, my close involvement in the natural resources sector during my years in MNR gave me a much greater appreciation of the importance of infrastructure on the effective functioning of the economy. Of course, in treasury and economics, or as it's now called, the Ministry of Finance, I was consistently aware of the role of infrastructure in contributing to the investment climate and to economic growth as a key component of budget and fiscal policy.

Since 1989, I have been in the private sector, first as a partner in my own firm, Mogford Campbell Inc. However, given the time pressures associated with both my corporate and my volunteer board involvement, I'm not involved in active consulting work at present. Increasingly, instead, I focused on my role as a corporate director with a number of national and international corporations in the natural resources, health, financial, retail and e-commerce sectors. However, my private sector experience across this wide range of business sectors has again given me a good perspective on the need for sound infrastructure in contributing to economic growth.

Also since 1989, I have been active in the volunteer sector. I have had the opportunity to sit on the board of governors of Trent University and the board of trustees of the Hospital for Sick Children, where I'm presently vice-chair. From these experiences, I think I have a much clearer understanding of the role the broader public sector partners could and indeed do play in creative approaches to enhancing the infrastructure base of our province, given the encouragement and support to be creative.

Finally, it was in another volunteer role, as part of the Premier's Jobs and Investment Board, that I gained a clearer and more up-to-date understanding of the infrastructure challenge facing us in our province. I was one of 16 private sector members who sat with the Premier and four ministers on the Jobs and Investment Board, which was established in May 1998 and reported to the government, as has been said this morning, in March 1999.

Our process involved people across Ontario through stakeholder consultations and seven public conferences. I



believe that more than 1,600 people were involved. We also had a series of expert panels. Our task was to produce an action-oriented plan for jobs for the people of Ontario in the 21st century. As background, we knew that the IMF, the Conference Board of Canada and the House of Commons finance committee agreed we must take steps to protect our standard of living. The OECD forecasts a substantial decline in Canada's economic performance and quality of life unless we prepare ourselves better for the challenges of the future.

The members of the committee will, I know, be familiar with the Jobs and Investment Board report, but I'd like just to take a moment longer because I believe it is relevant to my credentials for serving on the SuperBuild advisory board. We focused our discussion on three areas we considered essential for Ontario's long-term economic success: preparing people for tomorrow's jobs, creating an innovation culture and creating infrastructure to support growth and competitiveness. Out of this third area of focus, we told the government that there was a sense of urgency that had been raised by experts, stakeholders and people across Ontario regarding the growing infrastructure challenge. We told the government that to stimulate jobs and investment, all segments of Ontario society need to recognize the importance of participating and competing successfully in the global economy.

We also told the government that to attract new investment to Ontario, we need to develop world-class infrastructure, including transportation gateways to connect Ontario to the global marketplace; urban infrastructure, especially in the GTA and surrounding areas; and smart networks to make Ontario the global leader for the next generation of Internet and electronic business. We also recommended that the government should invite the private sector and other government partners to participate in the necessary capital investments.

It was this sense of urgency and call for action which we detected through our discussions across the province and which we reported to the government that led to the creation of the Ontario SuperBuild Corp. I'm positive about the potential role that SuperBuild can play in addressing these issues and I look forward to the opportunity of serving on the SuperBuild board.

**The Chair:** The government for four minutes.

**Mr Young:** I appreciate the opportunity of asking a few questions of Ms Mogford. As I indicated with some of the earlier individuals who have come forward to this committee this morning, we are certainly fortunate to have people of your experience and calibre, and I thank you for putting your name forward.

My question relates to the process that you would be asked to speak to if your appointment is approved, a process that would ensure that these public-private partnerships across the province are fair and reasonable ones. I wonder if you can speak to some thoughts you might have about how that can be ensured so that any tax dollars that are being put forward will be properly spent.

**Ms Mogford:** As has been mentioned by the other potential candidates for the board this morning, our role

is advisory. We have no governance responsibility, no authority. Our role is to bring forward ideas for potential capital investments, for private sector partnerships, and also for potential divestments for privatization. The minister has challenged us to come forward with new and creative ideas that would fall into those categories.

As far as the balancing, quite a bit has already been said this morning about the balancing between the business case and cost-effectiveness and the public interest. That is something that obviously the government would—within the actual implementation of the capital investments, that would be taken care of.

**Mr Young:** I take some solace, though, from the fact that, given your extensive experience both in government and in the private sector, you will bring with you the ability to ensure there are appropriate guarantees in place or be able to recognize what sort of endeavour might be fraught with danger. I trust you have the confidence, going into this, that you have the experience in both private and public to address that.

**Ms Mogford:** Yes, not only speaking for myself, but if you look at the range of experience and very impressive credentials on the part of my colleagues who are to be recommended for the board—

**Mr Young:** Quite so.

**Ms Mogford:** —there is vast experience across the sectors—as Mr Potter said, financial, telecommunications, technology and resources etc—and also international experience that I think would point to the issues you are raising.

**Mr Young:** I know we're going to run out of time.

**The Chair:** Keep going; you're fine.

**Mr Young:** Thank you, Mr Chair. I wanted to ask you to briefly address the issue of technology, what role you envision that will play in the future of this province and what role the Ontario SuperBuild Corp will have in nurturing that and bringing it along.

**Ms Mogford:** I'd like to do that. The broad range of potential infrastructure candidates and areas certainly includes technology. I think I mentioned that as part of the jobs and investment report we recommended to the government that we needed to place Ontario in a position to have effective, functioning and vibrant smart networks to make Ontario the global leader for the next generation of Internet and electronic business. So I would think it would be a very crucial part.

**The Chair:** The official opposition.

**Mr Phillips:** Your background is very impressive and we're fortunate that someone of your calibre is prepared to work on the board.

My first question—I don't doubt that we need to spend \$20 billion on infrastructure over a five-year period, and I have no difficulty with private-public sector partnerships. It's reality. It's more along the lines of running the risk of fooling ourselves, thinking we can't afford to spend \$20 billion so we'll get the private sector to build half of it, when in reality much of it is essentially getting the private sector to build it and the government or the taxpayers simply paying for it out of tolls, a stream



of revenue for a water system or leasing a new building instead of buying the building.

You now have been involved in this for some time. My question really is, what are some examples of private-public sector partnerships that are not simply borrowing money in a different way, either with a new fee or a lease, just to give us some comfort that it is realistic that we can have \$20 billion of new infrastructure built that we don't simply pay for by a tax with a different name?

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**Ms Mogford:** Could I comment on what you said first before I answer your question?

**Mr Phillips:** Of course.

**Ms Mogford:** I think it would be important to step back a little. As you know, we're not just talking about the Ontario government and the private sector. We're talking about Ontario, the private sector and other governments. If you look at the infrastructure base at present, the 200-plus, Ontario is responsible for 9% of the present infrastructure base and the municipalities for 22%. Forty-nine percent is already provided by the private sector. So it's not as though we're coming to a clean slate and starting from scratch.

If you ask me for examples of where it's working, and it's not just a tax or whatever, let me give you an example from my own backyard. I live in the Durham region. As part of the recent announcement of Colleges and Universities, the new Durham College manufacturing and technology information centre is to be funded out of SuperBuild.

The total cost is \$48 million. As I understand it, \$28 million is coming from SuperBuild, from the Ontario government, and \$16 million is earmarked to come from the private sector. I think \$1 million or \$1.5 million is coming from General Motors and the Canadian Auto Workers and another \$1 million is coming from Nortel. About three technology companies are putting up another \$1 million. There's Schneider Electric, another \$1 million. You have that, plus \$6 million coming from the institution, and I think it's going to create over 3,000 new potential enrolment spots at Durham College. I'm using that one because it's very close to me in my own backyard.

**Mr Phillips:** I went through all of those, and in my opinion they are private sector contributions like any other time. It isn't a private sector partnership.

My other question is the one I asked before on the 407—I think you were sitting there. I feel it is totally unacceptable that the users of the 407 are not given access to this tolling agreement, and those who want to invest in the 407 are given unfettered opportunity to peruse it. You are going to be chair of this new board. Is that acceptable behaviour, where a company gives unlimited access to the money people but says to the public and to someone like myself, "You can look at this, but you have to sign a legal agreement that you'll never reveal any of the contents of it"?

**Ms Mogford:** I think my two colleagues who preceded me this morning have commented quite appropriately on that with respect to the business case and the balancing. I'm not familiar with the details, so I think it would be inappropriate for me to comment. I don't know the specific details. All I can say is that when you are involved in new ways of doing things—and the minister is charging us with coming up with new and creative ways of doing all the things in our mandate, advising him—it's important, as you go through and you have examples, that you learn from them as you go along. But I'm afraid I can't comment on the specifics.

**Mr Phillips:** Any more time, Mr Chair?

**The Chair:** Yes.

**Mr Phillips:** Not looking back but looking forward, as I say, I think the 407 user was abandoned in this process—

**Ms Mogford:** I'm a 407 user; I use it regularly.

**Mr Phillips:** Well, I think you were abandoned in it. I think you're paying twice the tolls you should be paying. My question is, now that you are, or will be, the chair of this, what safeguards will you build into the process to make sure that the ultimate users of these services will be considered first and foremost?

**Ms Mogford:** If I could go back, I think it's important to remember that our role is advisory. We will give the government advice that they can accept or reject. We have no authority; however, looking forward rather than looking back, I think right across the board—I'm not being specific on the 407—if, as we go forward, there are things we can learn and put into our advice, we would quite appropriately do that. Again, I'm not being specific to the 407.

**Mr Phillips:** The role of this board is to "recommend privatization initiatives." It isn't merely advisory; it seems to me that this is the board that makes proposals to the government.

**Ms Mogford:** No. We would recommend candidates; we would recommend ideas. Again, it's advisory; we have no authority.

**Mr Phillips:** It says, "recommend privatization ... make recommendations on partnerships ... develop proposals for capital investments." It seems to me that if you want to get a private sector SuperBuild project approved in this province, it has to go to your board.

**Ms Mogford:** I would not necessarily anticipate the individual projects. I was wondering, when you were saying that before—the role of the corporation is specifically that. The role of the board is advisory to the minister. But I think I was reading from that—

**Mr Phillips:** Do you mean that Mr Lindsay can send recommendations directly to the government without going through the board?

**Ms Mogford:** No. The broad range of candidate ideas would come to the board. I have to say we're at a formative stage; we're just working out how we will function. But we will be asked by the minister for advice in specific areas. The way it's going, I believe we ourselves



will put forward candidate ideas for areas of potential capital investment, areas of potential privatization.

**The Chair:** You have until 11:34.

**Mr Phillips:** This seems at odds with the role of the SuperBuild Corp. It's more than just a loose advisory group.

**Ms Mogford:** If you look at the authority chain, as opposed to the advisory chain, you'll see we have no governance or authority responsibility. But there is the SuperBuild Corp, there is, as you say, Mr Lindsay, the CEO, there is a cabinet committee. It's very well laid out, and Mr Lindsay and the minister have both spoken on that.

**Mr Phillips:** Don't the proposals go to the board and then to the government? Don't all proposals—

**Ms Mogford:** The broad range of proposals would go to the board. We have not yet worked out whether it will be every specific one. We are looking at the broad range of ideas.

**Mr Phillips:** The way it has been explained to us, the recommendation of specific proposals would come out of this SuperBuild Corp. I hadn't contemplated that Mr Lindsay could send a proposal that hadn't gone to the board. I assumed that any proposals from Mr Lindsay would have to come to the board.

**Ms Mogford:** I anticipate they would all come through, in a broad fashion. But we have no authority; we have no decision-making authority.

**Mr Phillips:** But you have the authority to make recommendations on the initiatives—

**Ms Mogford:** To give advice.

**Mr Phillips:** —and I presume that any recommendations on SuperBuild have to go through your board.

**Ms Mogford:** That is something we're still working out. We're still working out our business plan.

**Mr Phillips:** Has the board developed a conflict policy?

**Ms Mogford:** Again, there's been a lot of discussion on that point so far. Being an advisory body, it is very unlikely that conflicts of interest would arise. If they did, we as individuals would declare them.

**The Chair:** Thank you, Mr Phillips. The third party, Ms Churley.

**Ms Churley:** Thank you very much for joining us this morning. I think the last question from my colleague Mr Phillips reflects perhaps what is building up to a little frustration here, because our understanding of the role seems to be somewhat different from the candidates'. Certainly I have an expectation that there is a board that actually, yes, doesn't have the final authority to make decisions, but does have the power to make recommendations. I have to tell you that I would feel much more comfortable knowing this board also acts as a bit of a watchdog. The users of 407 are very clearly being ripped off—you are. That's been documented by now. We have evidence that what the government did has increased profits for the corporation at the expense of the public who are using it. I see that as an example of something that's gone wrong in the process, and we don't want a continuation of that.

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You're going to be the chair. I don't want to put you on the spot, but I consider this to be a very important appointment process we're looking at today. I would like there to be some acknowledgement that there are some problems with Highway 407, with what's happening to the ordinary consumer who uses it and the secrecy that's been put in place between the government and the private sector where ordinary people, as Mr Phillips has been saying, can't get financial information and, as I mentioned earlier today, the private company can raise tolls at a certain threshold but we don't know even what that threshold is.

Even though you don't have the capacity to make decisions, let me ask you, do you feel that it's important as the chair of this advisory panel, with your colleagues, to look carefully and recommend to the government ways to protect the public so that that balance is there which we lost?

**Ms Mogford:** Again, I'm sorry. I can't comment on 407 specifically because I'm not familiar with the details. I respect your opinion, but I can't comment on what you're saying.

Going back to the broad range, however, of the types of advice we will give, again our task is to come up with new and creative ideas as advice to the Minister of Finance across the broad range of potential infrastructure candidates and divestment candidates. To the degree that something was clearly, from the perspective of individuals on the board or the board itself, not in the public interest or clearly out of balance, I'm very sure we would give that advice. But again, it's a hypothetical question. It would have to be around a specific candidate or set of candidates.

**Ms Churley:** Let me turn to something else which was touched on earlier, and that is your ability to lead and coordinate capital planning across the Ontario government. I believe it was the Globe and Mail that released last year what was considered to be a confidential background cabinet briefing on the SuperBuild Growth Fund which said that over the next five years the province's capital investment needed to amount to at least \$40 billion, compared to the SuperBuild's target of \$20 billion. There are all kinds of things not even considered in that \$40 billion, as you know; for instance, even the cleaning up of abandoned mines, and it goes on and on.

Given that the fund is less now than what the NDP was putting in in the last year of government and less than what this government had been putting in previously—now it's \$2 billion a year; it's gone down—what would your priorities be, given the need out there for infrastructure investment and the insufficient funding?

**Ms Mogford:** I think actually the current annual figure is \$2.9 billion as opposed to \$2 billion.

But going to your question, I think both the Premier and the Minister of Finance have agreed that there is a major problem in their comments on the quotes that



you're making there. Certainly there's a lot to do, and that actually confirms what the Ontario Jobs and Investment Board brought forward to the government in terms of the sense of urgency. Again, it's because of that sense of urgency that the SuperBuild advisory board has been charged with coming up with new and creative ideas that would enable more to happen through the engagement of partners across a broad range, across not only Ontario, but the private sector and the broader public sector partners, that we could do much more toward the infrastructure growth challenge and the infrastructure deficit than any of those partners could do alone.

**Ms Churley:** I do stand corrected. You're right, it's \$20 billion over five years and \$2.9 billion this year. Thank you.

**The Chair:** Thank you, Ms Mogford.

As you would be aware, members of the committee, we have Mr Weiss next, Mr Minogue this afternoon and Ms Alidina this afternoon. We would probably conclude somewhere just around 2:30, that period of time, just in case you're wondering what your next appointments are.

#### DONALD WEISS

Review of intended appointment, selected by official opposition party: Donald Weiss, intended appointee as member, Ontario Public Service Pension Board.

**The Chair:** Our next intended appointee we will ask to come forward please, Mr Donald Weiss, intended as member, Ontario Public Service Pension Board.

Welcome to the committee, Mr Weiss. Do you have an opening statement you'd like to make?

**Mr Donald Weiss:** I do. I'd like to begin by saying how honoured I am to be here today as a nominee for membership to the Ontario Public Service Pension Board. I fully recognize the importance of the board's work to Ontarians and I am very pleased to be considered for this position today.

I hope to use this brief statement to demonstrate that I'm not only qualified for this position but I am ready to bring to it an extra measure of dedication and skill. As you will see from my resumé, I have extensive experience with direct relevance to the pension fund industry. My 26 years in the financial services field began with Canada Permanent Mortgage Corp, followed by Morguard Trust Co, which was owned by five large Canadian pension funds.

Morguard Trust provided origination, underwriting and administration of mortgage services to the Canadian pension fund industry, as well as secondary market trading and the management of two mortgage investment corporations which were also owned by Canadian pension funds.

My tenure there, during which I rose to the position of president and CEO, was an excellent training ground for understanding the challenges and potential of the pension fund industry in Canada. I was responsible for the full operations of the trust company, I played a key role in the design and launch of Morguard Bank of Canada, and I

managed an organization of 200 employees with \$4 billion in assets under administration and achieved up to \$700 million a year in loan origination investments.

My work experience also extended to other areas of investment. For three years I worked with Development Concepts, a real estate development consulting company. We worked with private companies, institutions and government agencies on assignments ranging from the transportation industry to tourism, retail, commercial and office and warehouse developments as well. This position capped more than a quarter of a century in the financial services field. Along the way, I learned a tremendous amount about real estate finance investment industries and the role played by pension funds in those areas.

Following this, I entered my present position as executive director of the PC Ontario fund. As a result, I gained significant experience in direct mail marketing and individual and corporate fundraising, as well as an excellent insight into the workings of government and its interaction with corporations and individuals.

As you can see, I have had a varied career. However, all my employment has had a common thread. Each position I have held has demanded responsibility, prudent decision-making and the delivery of service of the highest quality to customers and clients. I have met these challenges with optimism for the future, tempered with realism about the present and knowledge of the past. Those are the qualities I bring before this committee today. I see a vibrant economy in Ontario and across Canada and I am optimistic that the board can meet its goal of obtaining maximum returns with minimum risk.

But I also see the challenge of stock markets dominated by a very narrow band of stocks and declining bond prices at present. I'm realistic about the impact they will have on pension fund investment returns. I know that the board has navigated these kinds of tricky waters many times in the past with a confident hand guiding the process. I would take it as an honour to be one of those hands and to help ensure that the Ontario Public Service Pension Board meets its objectives and the challenges of the future. I am prepared to offer all the knowledge and skill I have acquired and to fulfill my responsibilities with dedication to the best interests of the board and the people it serves.

I plan to finish performing my current duties at the PC Ontario fund in the next few months, and while I'm performing those duties I will waive the standard per diem.

What the board does is important and I'm honoured to have been nominated for this position. Thank you very much for your consideration.

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**The Chair:** Thank you, Mr Weiss. We'll begin with the official opposition for 10 minutes.

**Mr Crozier:** Mr Weiss, welcome. In positions such as this, one of the normal questions is sometimes, "Are you or have you ever been a member of the Progressive Conservative Party?" but I guess I don't have to ask that today, do I?



**Mr Weiss:** I am a member.

**Mr Crozier:** Can you tell me approximately, in your position as executive director of the PC fund, how much money has been raised since 1992?

**Mr Weiss:** I honestly don't have that gross figure offhand. I would know it year by year. The 1992 number—I believe we've achieved something close to \$4 million gross revenue from all sources. We moved that number upward over the years. We reached \$7.5 million in 1995. In 1996, 1997 and 1998, we raised in that range as well. I think we were \$7.6 million, \$6.9 million, and up to the end of 1998, we achieved \$7 million, approximately.

**Mr Crozier:** I asked that for simply no reason, and certainly I could say that's a job well done. So it's been tens of millions of dollars that you've raised and perhaps you'd like to elaborate. You said you would be winding down this position in the next few months. I would appreciate it if you could be more specific than that, because you are going to be a member of the pension board in the meantime. Do you see then your position, being in charge of corporate fundraising for the Progressive Conservative Party, as being any kind of a conflict while at the same time you're managing investments for the Ontario pension fund?

**Mr Weiss:** I don't see it as a conflict. My responsibilities at the PC Ontario fund are, again, to look after the financial needs of the party, to meet the particular goals that we have. I do want to move back to the private sector. This has been a desire I've had, and over the next few months I will be moving out. I've hired a successor. In fact, he arrives on Monday, and as soon as he is able to take over the operations I will withdraw from it.

**Mr Crozier:** You wouldn't see any conflict, and yet wouldn't the Ontario public service pension fund be investing, perhaps, in companies from which the Progressive Conservative Party, and others for that matter, would be soliciting funds?

**Mr Weiss:** Investments made by a pension fund could encompass the global picture. The monies sought by a political party could cover a wide spectrum as well. I don't see a conflict and I don't see the fact that a political party would make a request of a donation to the democratic process and feel that it was a conflict with a role being played in terms of investments. It's an entirely different position.

**Mr Crozier:** I'm pleased to hear that you feel that way, although I don't quite share that opinion that there would be absolutely no conflict of interest. Let me put the question this way: Notwithstanding the fact that you don't think there would be any conflict, what could we assume you would do if a conflict arose?

**Mr Weiss:** I would certainly declare a conflict if I encountered one.

**Mr Crozier:** Thank you.

**The Chair:** Mr Phillips.

**Mr Phillips:** There are few things that are more sensitive than pensions. It's an emotional thing for all of us, planning for our retirement. I have no doubt about

your professional credentials and all of that; it's more whether it's appropriate on something as sensitive as public service pensions. Mike Harris has lots of opportunities to appoint you to a variety of things. How do we respond to pensioners who say, "What is the government doing putting an obvious partisan on the board?" As I say, it has nothing to do with you, Mr Weiss, it's more that you are totally tied to the party right now. Why wouldn't you have sought another position that isn't as sensitive to this and let the Premier appoint to some sensitive board like this someone less clearly tied?

**Mr Weiss:** I've pursued this position from the point of view that I feel I can contribute the most to this particular industry. The pension fund industry is something that I'm very familiar with, that I have worked with in the past and that I enjoy. I feel that my knowledge and experience can make a contribution to this fund. As well, I would enjoy being part of it in the future. I targeted this as something in my career. I don't think my membership in a political party should take away any opportunity to go into and pursue an area that I have a definite interest in and that I feel I can certainly make a contribution to.

**Mr Phillips:** As I said, it just happens to be in this highly sensitive area, and there are many Conservatives who aren't quite as closely tied as you would be with the PC fund.

You've indicated some caution on the stock market. You are probably familiar that right now the government pays out in cash payments to the teachers' pension and the public service pension about \$1.1 billion but records on its books, its annual financial statement, not an expense but a revenue of about \$300 million. So they are laying out about \$1.1 billion in cash but on the financial statement showing revenue of about \$300 million. That is exclusively because the stock market has gone up, the assets and the funds have gone up, and the way the government accounts for things, rather than show an expense, it shows a revenue. It's making a profit, if you will, of \$300 million a year on the teachers' pension and the public service pension. You've indicated some concern that the stock market continue to see the performance it has. Is this an appropriate way for us to be looking at the finances of our pensions: expensing \$1.1 billion in cash and showing a profit of \$300 million?

**Mr Weiss:** I'm not familiar with the accounting or what reporting goes on in that particular area. I'm just not familiar with it. A pension fund, again, is there to meet the particular needs of the beneficiaries under that plan and to meet the particular actuarial needs. The pension fund competes with every other pension fund in the industry to find the best investments it can and get the highest return for the minimum amount of risk to meet those needs of its beneficiaries. That is its focus, and it's ability to do that and sustain that is important. All pension funds will face adverse markets. Markets move up and down, they move away from you, and the boards guiding the investments to these funds need to be diligent and prudent in making sure they meet the actuarial requirements to fulfill the pension needs of those in-



dividuals. The individual contributors, the beneficiaries, are of utmost concern.

**Mr Phillips:** You indicated that you sought this position and you know the industry very well. I was a bit surprised you weren't aware of the accounting. You've now had a chance to look at the pension portfolio of the public sector, I assume. Have you any advice for the committee on the approach you would take? Are we over-invested in the equity market? Are there things there that you think you can make an impact on?

1150

**Mr Weiss:** One of the roles of the board, as I understand, is to develop the investment policy. To be a member of the board is to be part of the development of that policy and the administration of it and to consider it for change from time to time, I assume. To those kinds of issues, as a board member I would certainly contribute my knowledge and my experience in helping set the direction of change if change is required.

The fund at present certainly has an investment policy and they are following it and they are achieving returns. I understand this fund now has no unfunded liability. It has crossed that point and it certainly is meeting the actuarial requirements to fulfill the plan. I would take those issues into consideration with the rest of the board members.

**Mr Phillips:** Were there any other—

**The Chair:** Sorry, Mr Phillips, that is the end of your time. Third party.

**Ms Churley:** Thank you for joining us this morning. I'll start by thanking you for being very clear on your resumé what your party affiliation is and what you do, because I think it's important that the committee has an opportunity to question people with very clear partisan connections, and, having the opportunity, it's important to do that. My Liberal colleagues have asked some questions about that. I want to follow up a little bit. You sought this position yourself, I assume; the government didn't approach you?

**Mr Weiss:** I did.

**Ms Churley:** In terms of your resumé and looking at it, what do you think is the most important thing about your background that can help you contribute in a positive way to this position?

**Mr Weiss:** It would be my years of experience in the related industry, my experience with the pension funds and their functioning themselves and looking after their investment needs. I certainly have a lot of experience with administration within corporations. We have built portfolios for pension funds in the past and administered them, and that knowledge I think is the most important thing I bring.

**Ms Churley:** When you applied for this position, were you concerned about the partisan nature of this place and that there would be real concerns about your position as a fundraiser for the PC Party?

**Mr Weiss:** I never gave a lot of thought to that. I looked at it purely from the perspective of, can I contribute to this entity? Can I play a meaningful role there? That was my consideration.

**Ms Churley:** I want to ask you a couple of specific questions about the pension board. I'd like you to comment on what thoughts you may have—and I know you're new coming to this—on how the pension fund should be invested or its performance in the market. According to annual reports, the pension board generally follows a low-risk investment strategy. I'm just wondering if you can give me your thoughts on where you'd like to take it.

**Mr Weiss:** That is a stated policy as articulated in their annual report. Pensions are serious investment issues. They are what is going to provide pensions into the future for people. I think a lot of diligence and care has to be taken in the investment field when you're managing a portfolio of this nature. The stated policy of maximizing returns and minimizing risk is a difficult path to follow, but I would say that when you look at the investment policy, it speaks to a conservative approach to investment. It's not heavily weighted in some of what might be considered the higher-risk areas. I think that's a very positive thing and that certainly meets the needs from the actuarial perspective, but it also meets the needs of people. I don't think they want their pension investments in to high-risk areas; they want to be reasonably certain the investment they make will give them the returns they expect, as well as their principal.

**Ms Churley:** Those are all the questions I have.

**The Chair:** We have the governing party for five minutes.

**Mr Spina:** Thank you, Mr Weiss, for coming forward today. I compliment you on probably going after the job as opposed to being asked for it. Personally, it's not a favourite of mine; I wouldn't jump into that. But it's a daunting position, given the scope and the breadth of the fund.

Partly to address some of the sensitivity that Mr Phillips, Mr Crozier and Ms Churley brought forward about partisanship, have you met or do you know Mr Somerville, who is currently the chair of the fund?

**Mr Weiss:** I have met Mr Somerville. I have met him in the past and met with him recently. I've been aware of him over the years. He was in a competing industry years back, so that's when I first became aware of him, but I can't say that I personally know him.

**Mr Spina:** He was appointed by the Peterson government and we have since reappointed him in that position. What I wanted to draw forward is the fact that even though the individuals may have had some partisanship or relationship from the beginning, I think they have been able to demonstrate that they can move forward and be objective in the administration of their responsibility. I think Mr Somerville has done a creditable job, and I wish you well. I think you will work well with that organization, Mr Weiss.

**The Chair:** Any other government members?

**Mr Young:** I too thank you for putting your name forward, Mr Weiss, and for the forthright manner in which you did so. Ms Churley correctly pointed out that you're certainly not hiding anything, and I don't think



anyone here should suggest otherwise. As I read your resumé and hear what you have to say today, you have a proven record of success, be it over the last eight years or before that.

I wanted to ask you a question, if I may, about what you did in the previous 20 years, that time between 1972 and 1992. Over that period of time you worked for a number of different companies. Actually, I guess it goes back 30 years if you go back to the Canada Permanent Mortgage Corp. Tell me about changes that you experienced in the market over that period of time in investment strategies generally, if you would, and then if you could bring us forward to some new challenges that exist for investors and pension funds in this day and age.

**Mr Weiss:** Seeking investments for the pension fund industry—we also did it for other industries later on, including banks, other trust companies—markets change, and investment opportunity returns. Everyone's out there looking for the optimum investment, and we would seek these investments in the marketplace and present them to pension funds for consideration to their portfolios along the way.

Changes, yes. When you look back, you get into some very difficult market times, 1979 to 1981 in particular, a very difficult time in terms of investment. It takes on a new level of management from an investment perspective to deal with investments falling apart, corporations going down. You get into the eras of prosperity, where you have a lot of inflationary periods, prices rise, costs go up dramatically.

Being able to sit back and say, "What is the sensible thing to do from an investment perspective?" is a question we're always asking, and the dynamic is there every day. Today would be no different in that respect. If you look at the stock market today, you have a narrow band of investment. The Internet and technology stocks drive the marketplace, drive most of the returns. From an investment perspective, a pension fund has a long-term view generally. A lot of vigilance is required, and just really a constant, on-top-of watching.

**The Chair:** Thank you, Mr Weiss, for appearing before the committee. You may stand down.

I'll say to members of the committee that we will reconvene at 1:30 pm with Mr Peter Minogue as an intended member of the Ontario SuperBuild Corp board of directors, followed by Shehnaz Alidina, intended member of the Ontario Rental Housing Tribunal.

**Mr Young:** Just before we adjourn for the lunch hour, is it the intention of the committee to then deliberate immediately after the last candidate comes forward?

**The Chair:** Yes, Mr Young, it will be.

The meeting is adjourned.

*The committee recessed from 1201 to 1330.*

**The Chair:** The meeting is called to order. Ms Churley has a point of order.

**Ms Churley:** I'd like to ask the committee to direct you, the Chair, to accept an amendment to the substitution slip for me for the whole day, replacing Tony Martin, who couldn't be here. That is because Mr Martin

couldn't be here today. I had subbed in for this morning and Frances Lankin for this afternoon. She's ill and can't make it. So I would respectfully ask the committee to direct you, Chair, to make that amendment to the substitution slip I put in this morning.

**Mr Johnson:** Are you asking for unanimous consent to add the second one?

**Ms Churley:** Yes.

**Mr Johnson:** Yes.

**The Chair:** We have unanimous consent. Thank you, members of the committee.

**Ms Churley:** That means I can vote, right?

**The Chair:** That is correct. They have accepted you.

**Mr Johnson:** Oh, no.

**Ms Churley:** All the power there is.

**The Chair:** They've accepted you for this afternoon.

**Mr Phillips:** That means we'll lose by one less.

#### PETER MINOGUE

Review of intended appointment, selected by official opposition party: Peter Minogue, intended member, Ontario SuperBuild Corp board of directors.

**The Chair:** Our first intended appointee this afternoon is Mr Peter Minogue, intended member, Ontario SuperBuild Corp board of directors. This is from the certificate received on February 18, 2000. I believe—and members will correct me if I'm wrong in this, when we do start—that when we do start, we will start with the New Democratic Party. I think last time I started with the Liberals. It will be the New Democratic Party, the third party, in this case.

Mr Minogue, if you'd like to come forward, please, and if you wish, you may make an initial statement to the committee.

**Mr Peter Minogue:** I would like to make an initial statement. Having worked on economic development projects for the near north, I know how important infrastructure is to our economy. Highways are our link to the south, to markets for our goods and services. But roads are only part of our infrastructure. First-rate schools, colleges, universities and hospitals are essential to attracting new investors and jobs. More importantly, they strengthen our communities and our quality of life. That's why I was so pleased to hear that Finance Minister Ernie Eves planned to add a northern representative to the SuperBuild board, and I am honoured to have the opportunity to serve in this capacity.

I believe that my business experience will make me a strong addition to this board. At the present time, I'm president of four businesses: Coldwell Banker Peter Minogue Real Estate, Morland Real Estate Appraisals, Callander Bay Developments and Osprey Links Golf Course. Having founded these companies, I know what's involved in the start-up, and that experience is especially useful in a new initiative like the SuperBuild Corp.

While working in the real estate business, I constantly see the value of infrastructure investments. When a young couple is buying their first home, the answers to



infrastructure questions help them to decide where their families will live. What shape are the roads in, do our kids have good schools, is quality health care close by?—when I'm appraising real estate and putting a dollar figure on the value of infrastructure to the community each and every day. This kind of experience would help me make sure that taxpayers get full value for SuperBuild investments, that we get the maximum economic benefit and, in the long run, more new jobs.

Through my years in real estate, particularly as president of the northern Ontario real estate board, I have seen what it takes to attract new investment to the north, and I've put that experience to good use on the North Bay Economic Development Commission. Five years ago that commission was a small group of only five people. We studied economic development groups across North America and looked at what was most successful. We found that cities with clusters working to attract businesses in specific sectors of the economy were the most successful. We adopted that approach, and now we have more than 400 people involved and working towards employment in our city.

In the past five years since I was chair of the Economic Development Commission, North Bay's unemployment rate has dropped from 13% to 6.5%. We have built strong partnerships with many community leaders, including our federal member, Bob Wood. My enthusiasm for and abilities in economic development are well known across the north. That's why so many economic development officers and municipal leaders have endorsed me for this board, including Mayor Steve Butland of Sault Ste Marie.

I know you are looking for directors who have more than just one business experience; you're looking for people who give back to the community. As president of the Golf Northern Not-for-Profit Corp, I raised money for underprivileged children. Last year I launched an annual fundraiser for an important new addition to our city, the proposed new general hospital. As well, I'm a Rotarian. I serve on the board of the Foster-Wild Fund, which is run by the Mattawa conservation authority. I'm past president of the North Bay Crippled Children's Parents' Association. Just last week, Coldwell Banker honoured me with its Canadian humanitarian award for all my charitable work in economics and charities.

These experiences have given me the skills and perspective that will help me serve as an effective member of the SuperBuild Corp as we build the infrastructure that will help businesses in Ontario to create new jobs for years to come.

**The Chair:** Thank you very much, sir. We will begin with the third party, Ms Churley.

**Ms Churley:** Thank you very much for this opportunity and for agreeing to come and answer our questions today. This is a highly partisan place, and you may consider some of my questions intrusive. But I think they're important questions, because they are related to your ability to serve the people of Ontario in an objective and fair way.

I want to ask you about your relationship with Mike Harris and the PC Party. I'm sure you're not surprised that there are some questions around this. It was reported in Maclean's magazine some time ago that you are a good friend of the Premier, and I'd like to have your comments on that. What is your relationship with the Premier of Ontario?

**Mr Minogue:** I grew up in North Bay, along with the Premier. We went through school together, and a hundred or so other people and myself are honoured to be friends of Mr Harris.

**Ms Churley:** Can I ask you more specifically—because there are certainly indications that you are somewhat closer to the Premier than that. For instance, are you close enough friends that you go fishing together? Were you at each other's weddings? Can you give me some examples of your friendship with the Premier? Are you one of a hundred or are you a closer friend?

**Mr Minogue:** I grew up with him. We were very close friends. We have the same interests. We do golf. We both fish. I think you could say we are good friends.

**Ms Churley:** So you have gone fishing and golfing with Mr Harris. You consider yourself a good friend of the Premier.

**Mr Minogue:** Yes, I do.

**Ms Churley:** Have you or your wife ever run Mr Harris's campaigns?

**Mr Minogue:** I personally have not run any of his campaigns. My wife does her own thing. She's very politically active and has run his campaign the last couple of times.

**Ms Churley:** But you personally have not?

**Mr Minogue:** No.

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**Ms Churley:** Were you approached to take this position, or did you apply for it independently?

**Mr Minogue:** I stay up on the news. Each morning I have the Internet, I read the Toronto newspapers and I follow what is happening. When I saw the SuperBuild fund being announced, I thought that was an advisory board I could get on and be a good addition to. I graduated from the University of Western Ontario and majored in economics, and it was of real interest. As I followed along and saw they were filling the board and realized they were going to ask for someone from northern Ontario, I thought that was an opportunity. So I asked for some support from other people in northern Ontario—mayors and some of the economic development people. I think they feel I'm a strong voice for the north, or could be, and I put my name in to Mr Hudak.

**Ms Churley:** So you weren't approached by anybody from the government. You saw this position was available and applied for it.

**Mr Minogue:** Yes.

**Ms Churley:** In terms of your resumé and the description of your position on the board, how do you view your responsibilities and duties to this job?



**Mr Minogue:** I have a background in economics and business, as you read in my resumé, and in working with people. This is an advisory board. There are 13 people on it, plus the CEO. I think there are different levels of expertise. It's a very impressive list of people, some with international qualifications, some with big banking experience. I think I can add to this advisory board in my own way. I have lived my life doing appraisals. I have looked at feasibility studies, performance statements and financial statements. I've been doing that for the last 20 years; not as big as they are here, but I think the outcome is the same.

**Ms Churley:** Specifically to your resumé, you say you're the owner or part owner of seven Ontario corporations in North Bay. Can you tell me what they are and also how you will deal with possible or perceived conflicts of interest? By the way, this question is being put to everybody, because a lot of appointees to this board have a business background.

**Mr Minogue:** I understand. Do you want to know the names?

**Ms Churley:** Yes. If you have them available that would be good.

**Mr Minogue:** There are four in the resumé—I'm sorry, in my speech. There is Coldwell Banker Peter Minogue Real Estate, a real estate company; Morland Real Estate Appraisals Ltd; Callander Bay Developments, a large development company; Osprey Links Golf Course. I have an investment company, 890242 Ontario Inc. We invest in real estate. I have another investment company that I work with and invest in the golf course with different partners, and I have a holding company that pools all my companies together under one ownership.

**Ms Churley:** How do you think you would deal with a possible conflict of interest should it arise?

**Mr Minogue:** This is an advisory board. We don't actually spend any money or vote or decide how money is going to be spent. From what I've seen—and I haven't been to a meeting yet—we get proposals for private-public partnerships, and we just make recommendations to the Minister of Finance, which go to the cabinet committee on privatization and SuperBuild. They make the funding decisions. I understand it is very unlikely that there would be a conflict. If there were, if I or my family would somehow benefit personally, I would definitely declare a conflict and remove myself from any discussion of what was happening.

**Ms Churley:** Do you know very much about Highway 407 and the terrible difficulties that deal has made for consumers who use the road? Do you have any information about what happened there and the fact that the private sector now is not releasing information to the public, only to investors, and that the public in fact may have tolls increased without knowing what the threshold is? So we have a situation where the private sector's making a huge profit at the expense of the people who are using that highway and in my opinion, and in the opinion of many of the public, that's a very bad deal—a

good deal for the private sector, but in this case a very bad deal for the consumers who are using the highway. Do you have any comment on that?

**Mr Minogue:** I've followed the news stories on the 407, saw what was happening, that it was sold off to a private organization, but other than that I've no information, details of whether it's good or bad. If I get on the committee and we have meetings and they discuss that, I'll certainly research and do my homework on it. Really, I just have the news that's in the newspapers, so I'd prefer not to make any opinion. I don't have one.

**Ms Churley:** This leads to the question around transparency. I'm not opposed to public-private partnerships; I think they can be negotiated so both benefit. There has to be a balance so that the private sector can make a profit but the public is protected. I think that needs to be a role of this board and I'm concerned that what you and others are saying, that you see yourselves purely in an advisory role and that you have no say in policy or no say in making—obviously, I know you can't make final decisions—and how these deals between the private sector and the public sector are set up in such a way that the consumer is not ripped off, which is what's happening with Highway 407 and there's great concern that that's going to continue to happen. I'm wondering what your comment is on that. What would you do to make sure that didn't happen?

**Mr Minogue:** Again, as a member of the advisory board, I don't think we do have a say in it. One of the objectives of the advisory board is to make things accountable. I agree that the public should be able to see most aspects of a transaction or partnership agreement. Right now, I'm serving on a special committee of the city council of North Bay; we're doing our waterfront redevelopment. It's probably about a \$100-million project, and in that we don't get to see the financial figures of different companies, so whatever legislation says should be revealed, I assume that's what would have to be done.

**The Chair:** This is the last question.

**Ms Churley:** OK, thank you. In your past experience, in looking at your resumé, I wonder what you think your biggest asset to this board would be?

**Mr Minogue:** I've always been interested in economics, even back in my college days; that's what I majored in at Western. I've experience in economic development commissions. I'm the chair of the North Bay Economic Development Commission; it's my fifth year. I set up a regional economic development partnership for the new Blue Sky region—if I'm allowed to advertise a little bit, that's the new name for North Bay—that has 300 to 400 members. I'm the co-chair of that and have been for the last two or three years. I've been involved in development myself—a \$10-million or \$11-million land development and a golf course. My day-to-day job is doing appraisals where I evaluate businesses, I evaluate investments. I think that along with all that I have to remain a strong voice to make sure northern Ontario and places up there that are experiencing high



unemployment get their fair share of infrastructure money.

**Ms Churley:** Thank you.

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**The Chair:** The government party for five minutes. Mr Young.

**Mr Young:** Thank you, Mr Minogue, for putting your name forward. Like many of the others who have come forward to present themselves to this committee this day, we should be honoured that we have people of your calibre who are prepared to engage in this sort of public service.

The comments you made earlier understandably focused on northern Ontario, the near north and beyond. Can you help us with some of the unique challenges that might exist for North Bay and communities in the north to ensure that there is an appropriate climate in place to allow for the growth of business? What do you envision SuperBuild Corp could do to foster and encourage that?

**Mr Minogue:** The biggest problem in northern Ontario is distance, distance between the cities for highways. There is a lot of work required in the transportation sector to make better highways and increase access back and forth.

One of the items in the SuperBuild agenda is to increase or finance telecommunications infrastructure. In North Bay alone in the last three years we were fortunate enough to have fibre optic cables in North Bay because the Department of National Defence gave us a jump-start on the call centre business. We probably have between 1,500 and 1,600 jobs in the call centre business. It started up in the last two or three years. So right now, with the global economy, with the way telecommunications is going forward, it doesn't matter where you are any more. If we can get fibre optics to Timmins, they can have call centres there. If we can get it to Thunder Bay, that's a growing industry, and up north we have to get involved and get in the show.

**Mr Young:** Sure. I have one more question. Mr Spina may have one of you as well. The genesis of SuperBuild Corp goes back, I guess, to A Road Map to Prosperity, which came out last year. It argued that in order for this province to be globally competitive we were going to have to engage in some significant capital upgrades. It also submitted that we're going to need a partnership between the private and public sector.

Again, drawing from your northern experience, can you help us as to whether you think there is a mindset, a climate in the north now in the private sector to engage in that sort of development? Is there some level of optimism that wasn't once there? Because I know for a fact that in the past things have been pretty bleak.

**Mr Minogue:** It's been difficult up north. We've had really resource-based industries in most of the communities. But what happened in public and private partnerships, I think the federal government has been very successful in airports, in running them together. North Bay airport was turned back to the city of North Bay. It used to have a terrific loss. It's now operating at a

break-even point. It's difficult. I'm not sure how they're going to get the private money, but there's an advisory board. That's not quite our job. We can help to determine when private money comes in how it will work or how to be creative and innovative in its investing into the capital infrastructure, but it will be difficult.

**Mr Young:** Thank you.

**Mr Spina:** Mr Minogue, thank you for coming before the committee today. My question may be not unlike Mr Young's except that I want to take it a notch further.

Part of the function of the corporation is to devise financing mechanisms to leverage private sector funding, or funding from other governments to pay for such projects. Mr Young asked you a bit about whether you felt there was enough private sector money perhaps in northern Ontario to help with northern projects. I want to go a bit further into your experience. You have quite an extensive background of setting up businesses or launching projects, whether they be for a commercial enterprise or whether they be for some charitable projects. Do you feel that there's enough in the private sector, not just in northern Ontario, but maybe within your scope, your network of contacts, that could contribute and be interested in working together with this provincial government to enhance economic development for northern Ontario?

**Mr Minogue:** I've just been appointed to the committee, Joe, and I'm not sure where the private money is coming from. More specifically, not northern Ontario but the 905 region, which I understand is to double in population in the next 10 or 15 years, needs utilities. They need new roads. They need sewers. They need water. I'm sure that when you get to investing into that proactively instead of after the fact, the private partners will come. We're only an advisory board. To try to raise money, I love doing it for charity, but I don't think that's part of this board's mandate.

**Mr Spina:** I wish you well.

**The Chair:** The official opposition.

**Mr Phillips:** Thank you for being here. This body is going to be huge. It's going to essentially coordinate \$20 billion worth of spending. We were told this morning it will identify other government things to sell off. This will control a huge part of the construction industry over the next five years in Ontario. It's massive. It will be coordinating every ministry—the Ministry of Health, the Ministry of Education. It's absolutely central to the Ontario economy and has the potential, in my opinion, for a conflict. It really has to be seen as independent.

The challenge here is, you're a well-known friend of Premier Harris. There's absolutely nothing wrong with that, and you should have every right to perform whatever role that you want to in Ontario. The question, though, is this: You are a well-known friend, and this body will be having a huge influence in the next five years—huge. I'm wondering why you would have applied for this and run the risk of putting the Premier, at least, at risk. I'm wondering if you had a discussion with the Premier, your local member, about your application,



whether before or after you applied you'd had a discussion and had any comment from him on the appropriateness.

**Mr Minogue:** Thank you, Mr Phillips, for the question. I see my role as more an advocate for northern Ontario. I know that there's going to be a lot of money, and you're absolutely right. It's a big spending amount. The construction industry is going to be totally involved. I don't see where I'm going to get into a conflict, though. We're an advisory board; we don't make any decisions on spending or who gets contracts or where the money goes. What I understand—I haven't been to a board meeting yet—is that we'll get four or five proposals. We might say to the cabinet committee on SuperBuild and privatization that we'd like these three, and then the cabinet committee makes a decision.

As far as the Premier, I specifically applied for the position without him knowing. I got the support from northern Ontario. I thought that was important. I approached Mr Hudak about whether they thought it was a good idea. I have talked to the Premier since that time and he basically said, "I think you have the qualifications, and good luck."

**Mr Crozier:** Welcome. You said just a few minutes ago that you recently have been appointed to the board. I take it, then, that you're totally confident, regardless of the process that you're going through today, that you will be appointed to the board. Is that correct?

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**Mr Minogue:** I assumed I was appointed to the board, subject to the standing committee approving it. I should have clarified that.

**Mr Crozier:** But you do have confidence that you are going to be appointed to the board, I assume. OK.

We do have to be rather sensitive, I think, when the public comes before this committee to be appointed to boards and commissions. But at the same time, we want to be absolutely sure there is no other influence on decisions you would make or that any person on any other board would make. So please understand that my comments are in that context.

Of the other three we have interviewed today, who will be appointed to this board, you are the first to indicate that you have a bias for a particular geographical area, in that you've said you are an advocate on this board for the north. That leads me to believe you are concerned about the economic development of the north. Are you and Mike Harris currently partners, or in any way associated, in any business ventures?

**Mr Minogue:** No, sir.

**Mr Crozier:** None whatsoever. Thank you. That reassures me that your bias for the north will only benefit you and your real estate business and not Mike Harris as well.

**Mr Phillips:** I have a question on conflict. You indicated that you don't see any risk of conflict on the board by yourself and other members. I have quite a different view of it—not about you but about the board—in that this is the board that companies will be coming to

with huge proposals. The board will be subject to information that would clearly be of a privileged nature. The board will have advance knowledge of projects. It is the board that will be making recommendations to the government. I see this board as rife with potential conflict, and I think board members would want to have, before they went on the board, some idea of how conflict was going to be handled and guidelines laid down. I think there will be proposals coming to the board in which board members will, unless properly directed, have an enormous conflict. I'm quite surprised at your comment that conflict is not an issue with the board because it is "advisory," that it's really not a subject that has occupied much of your time and that no one has gone over conflict guidelines with you.

I'd like an explanation from you of why, with \$20 billion—probably a lot more than \$20 billion—worth of proposals coming forward, you wouldn't see the board members being put into positions where they could be in conflict.

**Mr Minogue:** I'm sure we'll be sworn to secrecy, or whatever the legislation requires, not participate in discussions in a conflict situation. I know that when a proposal comes that is going to affect North Bay or housing in North Bay, I would probably declare a conflict. But as an advisory board, we don't make the decisions on how to spend the money or where the money is allocated. If these three projects look good to the Minister of Finance, we don't have any say in how the money is spent.

**Mr Phillips:** But the proposals come to the board. I'm not saying you are in conflict, but billions of dollars worth of proposals come to the board with privileged information, I assume. It is the board that processes those and recommends to the government.

I have a fundamental difference of opinion with you. I think it is imperative, before you go on the board, that there be an agreement on conflict and that, on information that comes that is of a conflict nature, there's agreement on what you will and will not discuss or see or disclose. You are another board member who has said: "This is just advisory. We don't need any guidelines. We don't need any rules." It shakes my confidence, not in you but in the board, that they are proceeding without that. I can see lawsuits. I can see companies wanting to do business—spending \$20 billion—and board members feeling no obligation on the conflict side.

**Mr Minogue:** I can't speak for other board members, but if anything comes up where there is a conflict, where I or my family could gain in any way financially—I'm on other boards where you have to have a conflict declaration. If anything happens, you declare the conflict and don't get involved in any discussions.

**The Chair:** That concludes the questions.

**Mr Crozier:** I don't get one more little question?

**The Chair:** Unfortunately for you, you don't get one more little question.

Does anybody here have a point of order they want to raise?



**Mr Spina:** I just want to ensure that the comments Mr Crozier and Mr Phillips are making regarding bias—in my opinion, having representation from someone from northern Ontario does not constitute bias on a committee when we try to ensure that we have people from all over this province representing us in a fair distribution, in a fair manner. I just want to clarify that.

**Mr Crozier:** May I comment on that point of order?

**The Chair:** Yes.

**Mr Crozier:** I don't think I raised the question of bias at all. In fact, it was the appointee who raised the point that he would be an advocate for the north. I compared that to the comments of the others who appeared for the board and didn't show any geographical preference. Therefore, I assume they would be all across this province.

**Mr Spina:** The word he used was "bias."

**Mr Crozier:** He later said that if a conflict of interest arose, if something came up in the north, he would declare a conflict. So there's a bit of conflict in his testimony before the committee, that's all.

**The Chair:** This is probably part of the discussion that would come when we are making decisions on appointees. I thank the member for his point of order and the member for his response to the point of order.

Thank you very much, Mr Minogue, for appearing before the committee. The decision on all appointments today will be made when consideration of all appointments has taken place. We have one more appointee and, after that, members of the committee will discuss whether appointees have been accepted.

#### SHEHNAZ ALIDINA

Review of intended appointment, selected by official opposition party: Shehnaz Alidina, intended appointee as member, Ontario Rental Housing Tribunal.

**The Chair:** The next appointee is Shehnaz Alidina, intended member, Ontario Rental Housing Tribunal. Welcome to the committee. As you have observed, an intended appointee has an opportunity to provide an opening statement if he or she wishes.

**Ms Shehnaz Alidina:** Thank you for the opportunity to make some comments. I would like to begin by stating that I feel I am well qualified to be a member of the Ontario Rental Housing Tribunal, and I would like to offer three reasons. First, I think I have the right academic background; second, I think I have the right professional background; and third, I have personal qualities that would make me a good adjudicator.

In terms of my academic background, I have a bachelor's degree in occupational therapy and a master's degree in health administration, as well as a fellowship in health administration.

In terms of my professional background, I have worked in the clinical planning and management fields. As executive director of a district health council, I was responsible for starting a new district health council, bringing two districts together at a time of rapid change

in the health system. I also led the development of health system plans to find local and meaningful solutions to health reform. I now work as a health consultant, where I bring the Ontario experience and technical know-how internationally. Over 15 years, and particularly through my 11 years on the district health council, I have developed the skills to interpret policy, gather information and evidence, and make impartial decisions.

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Finally, in terms of my personal experience, I feel that I work well with people. My sensitivity comes from having experienced turmoil in my own life, where I fled Uganda almost overnight as a refugee. As well, in my international work I had the opportunity to work with countries that are trying to rebuild their health systems after having experienced political disintegration, economic collapse or civil war.

I think these experiences have strengthened my sensitivity to people and have also strengthened my belief that people's needs and desires are the same regardless of the social or economic background they come with, and that it's very important that we listen to people attentively and sensitively. I feel that these personal qualities, combined with my professional skills, would make me a good adjudicator.

**The Chair:** Thank you very much. The government will begin, with seven minutes.

**Mr Spina:** Thank you, Ms Alidina, for coming forward for this position. It's a difficult one at best, but you have an excellent track record in this regard. Frankly, I'm disappointed that the media is not here to hear your interview, as opposed to wasting time on a perceived issue that they think may be in the works somewhere else.

You have most recently been involved with people overseas; is that correct? Or are you still based in northern Ontario?

**Ms Alidina:** I'm based in northern Ontario, but I do a lot of international work.

**Mr Spina:** OK, but you're out of the Soo?

**Ms Alidina:** In Sudbury.

**Mr Spina:** You're as travelled as I am. I was born and raised in the Soo.

My question really had to do with your perception of a comment made earlier. Do you think that because you have had extensive time and experience in northern Ontario, that would bring a particular bias to your perspective on the rent tribunals?

**Ms Alidina:** I believe that my role would be to represent the interests of Ontario and to adjudicate fairly under the law. Because I have lived in northern Ontario, certainly I would bring knowledge of issues of northern Ontario, but I do not believe that represents a bias.

**Mr Spina:** Thank you. I wish you well.

**The Chair:** I think Mr Johnson was next.

**Mr Johnson:** I guess I'd feel more comfortable if I could call you by your first name, but maybe that's improper. My point is, it reminds me a little bit of that other famous person from the north—but I think she's



from Timmins, the singer, Shania. But that's not the pronunciation of your name.

I wanted to comment on the qualifications that you bring to the job, because we've been given your resumé and so on. I notice a bias in health care, so I'm wondering what made you seek out—or did someone ask you about it?—the position in rental housing, because it's not exactly your training. I'm interested in your comments on that.

**Ms Alidina:** I'll answer both questions. First, why the housing tribunal: I've always been interested in service. It's something I've grown up with as a teenager, and also as an adult, and have always given service in one form or another. I strongly believe in the value of public service. I also believe in the broad determinants of health, and housing is an important determinant of good health. I'm also very concerned about fairness to people, and that is why the tribunal was of interest to me. That's the first question, why housing.

Second, in terms of my application, I was very interested in serving on a board. I did some research and zeroed in on the Ontario Rental Housing Tribunal for those reasons. I contacted the executive director of the tribunal, received a package of information and subsequently made an application to the tribunal. When the executive director was in Sudbury, he met with me and we had a preliminary discussion. He felt that I met the qualifications for an interview, and subsequent to that I was called for a written and an oral interview in Toronto in January.

**Mr Johnson:** It was definitely the link, if you like, between health and housing that I was looking for. Thanks very much for including that in your remarks.

Does someone else have a question? We would reserve the rest of our time, then, until later if we need it.

**The Chair:** I don't think you're allowed to reserve it, so if you want to use it—

**Mr Young:** I had a question if time permitted, and it appears that it does.

First of all, as I have said to the other individuals who have come forward today, I do appreciate your coming forward. I don't think it's fully understood by some the personal sacrifice that is made by individuals who bring themselves forward and expose themselves in a sense to the public. Generally, the people who occupy the seat that you are in have a great deal going for them and don't need the appointment in order for their life to be viewed as successful by themselves or others. You certainly fit within that category.

What I would ask you to comment on if you would, Ms Alidina, is the process itself. Do you have some notion and perception of the particular workings of the tribunal to date? Have you had some involvement in and understanding of the manner in which it works? I would ask you to answer that if you would, bearing in mind your own experiences and how you think that would benefit you in being an adjudicator at that tribunal.

**Ms Alidina:** I certainly have received and reviewed a great deal of information on the tribunal and its work-

ings, as well as having discussions with the executive director of the tribunal in terms of how the tribunal operates.

**Mr Young:** That's fine. Thank you, Mr Chair.

**The Chair:** To the official opposition, Mr Crozier.

**Mr Crozier:** Welcome to the committee. I appreciated your comments at the outset in outlining what I agree are exemplary qualifications for this particular appointment. Contrary to what Mr Spina was referring to as any bias, you didn't show that you were particularly advocating for any geographical or citizen area of the province, and I appreciate that.

You have applied to what I consider to be a very, very sensitive position, and I am sure that in your research you had determined that before you applied, in that there has to be a delicate balance between the rights of renters in this province and the rights of landlords or owners, so between landlords and tenants.

But an area that concerns me in particular is the Tenant Protection Act as it applies to care homes: nursing homes, rest homes, retirement homes. I wonder if in your research you have had an opportunity to look at that particular area as the landlord and tenant acts apply, and if you have any comments.

**Ms Alidina:** Certainly I have read the legislation. I don't consider myself to be an expert on it, because I haven't been through my training—

**Mr Crozier:** I understand.

**Ms Alidina:** My impression of the act is that it's a very balanced piece of legislation, that it looks at the rights and obligations of tenants as well as the rights and obligations of landlords and tries to balance them both.

**Mr Crozier:** When I speak of care homes, and I could have given you an opportunity to think about this a bit more, what happens is that the act provides that a care home can in effect—although I think “evict” is a strong word—ask a tenant to leave because the care home no longer feels they can provide whatever it is the tenant needs, either increased care or perhaps even a level of decreased care. Knowing that, I feel from what you have said so far that you will in those instances give very careful consideration when it comes to the elderly and the frail, as opposed to, let's say, a rental disagreement in downtown Essex where someone simply hasn't paid their rent or hasn't treated the property with due care and diligence, that when it comes to our frail and elderly, the act will be applied very judiciously if such a request should come to your tribunal and under your review.

**Ms Alidina:** I think the act really does protect the rights of tenants and states under what provisions, what circumstances, a tenant can be evicted. I think the act is very specific, and I feel the act is also quite equitable. For example, section 84 of the act allows an adjudicator to decline an order for eviction or postpone it if extenuating circumstances warrant that. I feel that my role as an adjudicator would be to make sure that both interests are served fairly under the law.

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**Mr Crozier:** I appreciate that very much and I like to hear that. I'm sure that when this process is finished and



you're appointed to this board, you will do exactly as you've said, so thank you.

**The Chair:** There would be no more questions from the official opposition, so I will go to the third party.

**Ms Churley:** I am impressed by your background and resumé here. Hopefully, at the end of the day you will get this appointment. Thank you for wanting to take it on.

Here in Toronto, in the riding which I represent, Broadview-Greenwood, which is not far from downtown, we are seeing close to a crisis, if not a crisis, in housing with the rent decontrol. Once people move out of an apartment, as you know, the rent can increase to whatever the landlords want it to be. I believe about 80% of renters move within a five-year period of time, so it's quite a difficult problem. There are more homeless, and thousands and thousands of people are on the waiting lists for subsidized housing.

I know the tribunal doesn't deal with these policy issues, but I'd like to know what your overview is on what we should do. What advice would you give all levels of government and legislators in general as to what we should do about the problem we have in housing right now?

**Ms Alidina:** As you mentioned, I'm not a legislator; I'm not in the business of policy-making. I would see my role presently as being in terms of acting very fairly and making sure the interests of the tenant as well as the landlord were adequately represented and that a fair and sensitive decision was made.

**Ms Churley:** Some of the reports I hear—and no doubt you might be getting some of these kinds of cases. I think there are a lot of good landlords out there, but there are some bad ones too. I've certainly had people report to me that people of colour and single parents with children on welfare have been turned down—not blatantly. But very clearly, once you read between the lines what happened, there is some discrimination from some landlords out there. I am wondering if you have a comment on that.

**Ms Alidina:** I don't at the moment, although I'm looking forward to beginning work with the tribunal if my appointment is approved and learning more about the issues.

**Ms Churley:** So you've heard a little bit about some of the things going on out there, I assume.

**Ms Alidina:** I read the news.

**Ms Churley:** So at this point that's your only awareness of some of the issues out there? OK. Thank you very much for coming forward today. I appreciate it.

**Ms Alidina:** Thank you very much.

**The Chair:** That appears to be the final question that's being directed to you. Thank you very much for coming before the committee. As I explained previously, the committee makes its decisions at the end of the day, but you are now excused. We thank you for coming here, and I can tell you that anybody from Sudbury has to be very good.

**Ms Churley:** Is the Chair allowed to show a bias like that?

**The Chair:** I can show a bias toward my place of birth any time I want to.

**Interjection:** As can the people of St Catharines.

**Mr Crozier:** Between Sault Ste Marie and Sudbury and Essex, we're doing OK.

**The Chair:** We have concluded the questioning of the various people, and now we go through the appointments one by one. You have permitted Ms Churley, through the benevolence of the committee, to be a voting member. For the Liberal Party, Mr Crozier is a voting member, and I believe Mr Phillips would be a voting member. But I will go through each of these at the present time to see whether we concur in the appointment. I'll accept a motion as we go through them.

The first one we have is Mr Frank Potter, intended appointee as vice-chair, Ontario SuperBuild Corp board of directors.

**Mr Young:** I move that Mr Potter be appointed to that position.

**The Chair:** It's moved by Mr Young.

**Ms Churley:** Can we have a recorded vote?

**The Chair:** We will. I can ask for any comments as well, but we have the motion before us. Any comments by members of the committee?

**Mr Young:** If I may in support of my motion, Mr Potter came forward and presented both in writing and in person as an impressive individual with an extensive background not only within this province but internationally. He brings to the table experience in a number of different manners but particularly with reference to similar joint public-private partnerships. I think he would be an excellent member of the SuperBuild Corp.

**The Chair:** Ms Churley, did you have a comment or were you simply asking for a recorded vote?

**Ms Churley:** Yes, I was just asking for a recorded vote.

**The Chair:** OK. We will now call for the vote on Mr Young's motion to concur in the appointment of Mr Frank Potter.

#### Ayes

Crozier, Johnson, Spina, Young.

#### Nays

Churley.

**The Chair:** The motion is carried.

The next appointment we will consider is that of Diane Beattie, intended member, Ontario SuperBuild Corp board of directors.

**Mr Spina:** Mr Chair, I move concurrence for Ms Beattie.

**The Chair:** Any debate? Do you want a recorded vote on all of these, Ms Churley?

**Ms Churley:** Not on this.

**The Chair:** OK.

**Mr Johnson:** I do.

**The Chair:** Mr Johnson would like a recorded vote.

### Ayes

Churley, Crozier, Johnson, Spina, Young.

**The Chair:** The motion is carried.

The next is Mary Mogford, intended as chair, Ontario SuperBuild Corp board of directors.

**Mr Johnson:** I move concurrence of the appointment for Mary Mogford.

**The Chair:** Mr Johnson moves concurrence. All in favour? Opposed?

**Ms Churley:** Recorded vote.

**The Chair:** A recorded vote is requested. It should have been requested previous to this. Before each motion there is a recorded vote requested, so unfortunately you were too late for that.

The motion was carried for Ms Mogford.

Donald D. Weiss, intended member, Ontario Public Service Pension Board.

**Mr Young:** I will move concurrence for this appointment.

**Ms Churley:** A recorded vote, please.

**The Chair:** You wish a recorded vote. Is there any debate? OK.

### Ayes

Johnson, Martiniuk, Spina, Young.

### Nays

Churley, Crozier.

**The Chair:** The motion is carried.

The next is Peter Minogue, intended as member, Ontario SuperBuild Corp board of directors.

**Mr Spina:** I move concurrence, Mr Chair.

**Ms Churley:** Discussion before we vote?

**The Chair:** Yes.

**Ms Churley:** I just want to say for the record that I'm voting against this appointment. I have real concerns about what appeared to me the inadequacy in responses around Mr Minogue's friendship with the Premier.

Not just in this case but throughout the interviews—I want to put this on the record—I was somewhat dismayed by the general responses to questions, particularly from the opposition, around conflict of interest and perceived conflict of interest, and an understanding of the importance of the role that this board will be playing in terms of dealing with multi-billions of dollars and doling out huge amounts of cash, and the influence that they in fact will have, be it formal or informal.

I would like to say for the record that I hope the Premier's office—I don't know if I can make such a motion or not, I'm not part of the committee, but perhaps this committee should be asking the government to come up with conflict-of-interest guidelines and a more

concrete, I suppose, outline of the duties and responsibilities of this board. Although it seemed fairly clear to me, the people we interviewed didn't seem to have a clear idea of how important their role is going to be and what influence they actually will carry.

I don't know that it's appropriate for me to ask the committee for that kind of thing. Can I have your advice on that?

1430

**The Chair:** You could probably ask the committee. They may or may not agree with you. Certainly one thing that can be said is that your remarks have been recorded in Hansard for all to read, but I suppose I could at least entertain a motion which would ask our committee to ask something of another committee, and the clerk will advise me on the acceptance of such a motion, whether it's in order or not.

**Mr Young:** On a point of order, Mr Chair: Is it appropriate for that motion to be put on the table as we're approaching a vote after a concurrence has been moved?

**The Chair:** No, it would not be, so I think you're looking for clarification of whether you could move such a motion. It would not be, at this point in time.

**Ms Churley:** So it would be after we take the vote?

**The Chair:** It would be after the vote.

**Mr Crozier:** Just a few comments to add to Ms Churley's, because my colleague Gerry Phillips, of course, in his questioning met with much the same response, particularly when it came to conflict of interest.

Also, when Ms Churley mentions the role of the board and its perceived role as pointed out by the members who appeared before us today, as an example, it appeared as though there was confusion as to whether the chief executive officer of the SuperBuild Corp would in fact have to bring before the board any of his recommendations, or whether they could go directly to cabinet. There seemed to be, at least on the part of one of the attendees this morning, some uncertainty as to whether that had to be the case. In fact, it was said that the chief executive officer may not even have to do that. I found that amazing, that someone who was being appointed to a board would agree that a CEO of the SuperBuild Corp wouldn't have to bring a proposal before the board. I think that's the kind of thing that should certainly be defined when it comes to the board itself.

When it comes to this particular appointment, I said during my comments that we have to be rather sensitive, but I frankly feel that of the three other appointees we brought before the board, and indeed in those others that are listed in the information we received from the research officer, this particular individual has the least qualifications, by far, of all. I am concerned that the most outstanding qualification he has is that he's a close personal friend of the Premier's. I am surprised that there are not many others in the province who would have the same list of outstanding qualifications as do the other appointees to the board. In a few words, I think and will state that we simply could have found someone better.

**The Chair:** Any other debate?



**Mr Johnson:** I just wanted for the record to put my comments in regard to this intended appointee. The observation has been made that he's the least qualified except for his friendship with the Premier. Quite frankly, I would like to dispute that as either an observation or a fact. Indeed, he brings an extensive background in real estate to this board, and I would hope we would look at his friendship with the Premier, if indeed it's still as current as what he would like—that we don't use that as a reason to eliminate a representative from that geographic area of the province that seems to be somewhat isolated geographically from what we think of as the centre of the universe here in Toronto. I just wanted to state my objections to that sort of observation.

**The Chair:** I'll go to Ms Churley and then Mr Young.

**Ms Churley:** I want to say in response to Mr Johnson, and again for the record, that there are certainly circumstances where I think it would be a shame for people with the right qualifications who have close connections to the Premier or indeed any other members of the government to be shut out of public service. Having said that, I believe it is incumbent upon the government, particularly when they put forward somebody who is a documented close friend of the Premier, that that person have impeccable qualifications for the job. In this case, those qualifications aren't there. This is indeed, as Mr Crozier said, the least qualified of all of the applicants, and this is not a direct attack on the applicant. I believe to some extent it's incumbent upon the government as well, if they're going to be appointing good friends of the government—and we know that of course with the majority here today it will pass—that the background and abilities and experience brought to the particular board are impeccable, and in this case they aren't. It seems clear that in fact his greatest asset to this job is that he's a close friend of the Premier. I don't know there's any way around that. You just have to check the resumé and compare it to others.

**Mr Young:** I will be brief, but I feel compelled to make a few comments. I was pleased to hear the members of the opposition and the member of the third party acknowledge that one's friendship to an elected official should not in and of itself prevent that person from coming forward to hold public office, and I appreciate their suggesting that if the qualifications are there, then that candidate should be considered.

Certainly in the case of Mr Minogue, I guess we all read things with different-coloured glasses on, but I read his resumé and I heard his answers as being complete. I read his resumé as being such that he has a background in a number of different areas, including education, including economics, including real estate. I read his resumé as one where he has done a great deal of charitable work and apparently been very successful at it. And I read his resumé and take from his comments that he is recognized within the city of North Bay as being one who has a great deal to offer and that's why he has recently been so involved in the economic development committee. The results are quite impressive, frankly.

In closing, I also want to note that Mr Minogue, albeit that he knows the Premier, admitted that he knows him fairly well, also, and unfortunately there has been very little mention of this, was endorsed, as I understand it, by the mayor of Sault Ste Marie, Steve Butland. My understanding, subject to correction from the other side of the table, is that Mr Butland actually sat in the House of Commons as a member of the New Democratic Party for a period of time. Surely in the case of Mayor Butland, he recognizes that Mr Minogue brings other skills and abilities forward, as does the city council or whoever appointed him to the economic development committee. I think we have to look at the entire package. We have to look at his accomplishments, not simply one aspect of his friendships. So I will be voting in favour of Mr Minogue.

**The Chair:** Any other debate? If not, we will call the motion.

**Mr Johnson:** Can I have a recorded vote?

**The Chair:** Recorded vote requested by Mr Johnson.

#### Ayes

Johnson, Martiniuk, Spina, Young.

#### Nays

Churley, Crozier.

**The Chair:** The motion is carried.

The final intended appointment we will consider is that of Shehnaz Alidina, who is the intended member, Ontario Rental Housing Tribunal.

**Mr Johnson:** I'd like to move concurrence.

**The Chair:** Any debate? All in favour? Opposed? The motion is carried.

We don't have any further business, Mr Clerk, do we? Go ahead, Ms Churley.

1440

**Ms Churley:** I understand you need a written motion, and I'm trying to do that now.

I move that the standing committee on government agencies request that the Office of the Premier provide this committee with written conflict-of-interest guidelines to apply to the members of the Ontario SuperBuild Corp board of directors.

**The Chair:** Mr Young.

**Mr Young:** I have some reluctance in dealing with this at the present time, particularly because, as I suspect the members opposite know, each board—not only the SuperBuild Corp but each board—will be establishing or is obliged to establish conflict-of-interest guidelines, and they're obliged to configure those guidelines essentially the same as or premised upon those we operate under as MPPs and that public servants generally do. I'm reluctant to entertain, at this late hour, a motion that's only going to be somewhat superfluous and add very little if anything, particularly until we have an opportunity to see what the SuperBuild Corp does on its own. As I indica-

ted, they are obliged to, if they have not already, create their own conflict-of-interest guidelines.

**The Chair:** Any other comments on this? Mr Martiniuk.

**Mr Gerry Martiniuk (Cambridge):** Mr Chair, I ask you to direct your mind and consider whether in fact this committee has jurisdiction to debate a motion of this kind. I suggest that it is out of order. As I understand, the jurisdiction of this committee is to evaluate individuals who have been or are proposed for appointment to particular boards. This motion sets up a number of rules or possibly a constitution for governing a board of directors, a crown agency, in effect, and I think it goes far beyond the accreditation of individuals who appear before us. It is, in fact, a policy matter for the government and not a matter for this committee.

**The Chair:** Thank you. I'm going to hear Mr Johnson's comments if I may.

**Mr Johnson:** No comment. He said it all.

**The Chair:** Does anybody else want to make a comment? Before I rule on whether it's in order, I'd like to hear whether the committee thinks it's in order and then I'll make a ruling.

**Ms Churley:** I honestly don't know. It may be out of order, and you'll have to rule on that. I made the motion simply out of concern over my stated objections earlier on the answers to questions around conflict of interest from the candidates today. I thought this might be a good way not only to get those concerns on record but to bring those concerns to the Premier's office and have him

aware that there is a concern by this committee that there seems to be a gap in understanding the important role of this board and, in fact, the very large conflict-of-interest problems or perceptions of conflict of interest that could arise. That's why I placed the motion. If it's out of order, it's out of order, but perhaps there might be a way to get at it in another forum.

**The Chair:** I will now deliberate with myself and with the clerk and determine whether we believe it to be in order.

I'm going to rule the motion out of order at this time, and I'll give a brief explanation of why. When the House is not in session, the committee is permitted to meet only for the purposes of dealing with intended appointments and not other business. It may well be in order when the committee meets to discuss whether it's going to deal with agency reviews, and that happens when the House returns. The House is scheduled to return on April 3, so if the member wishes to bring a motion at that time, we can determine whether it's in order, but at this time, because of the narrow mandate that we have when the House is not in session, I will rule the motion out of order.

**Ms Churley:** I'll certainly accept that ruling and I will relay to the NDP member of the committee, Mr Tony Martin, that he will have the option to bring a similar motion back after April 3.

**The Chair:** Any other business for the committee? If not, I will entertain a motion of adjournment, moved by Mr Spina. All in favour? The motion is carried.

*The committee adjourned at 1446.*





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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 12 April 2000

# Journal des débats (Hansard)

Mercredi 12 avril 2000

### Standing committee on government agencies

Subcommittee report

Intended appointments

### Comité permanent des organismes gouvernementaux

Rapport du sous-comité

Nominations prévues

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 12 April 2000

Mercredi 12 avril 2000

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORT

**Clerk of the Committee (Mr Douglas Arnott):** Honourable members, in the absence of the Chair of the committee and the Vice-Chair, it is my responsibility to call upon you to elect an Acting Chair of the committee for this meeting. Are there any nominations?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I would like to nominate Mr Gerretsen.

**Clerk of the Committee:** Are there any further nominations? There being no further nominations, I declare nominations closed and Mr Gerretsen duly elected Acting Chair of this meeting.

**The Acting Chair (Mr John Gerretsen):** Thank you very much for the confidence that's shown to me by the entire committee to elect me unanimously to this post. I'll put you all on my Christmas card list.

**Mr Joseph Spina (Brampton Centre):** I thought we were already there.

**The Acting Chair:** First, we have the report of the subcommittee on committee business dated March 30.

**Mr Bob Wood (London West):** I move its adoption, Mr Chair.

**The Acting Chair:** Mr Wood moves its adoption. Any discussion at all?

All those in favour? Carried unanimously.

I understand a motion is required to extend the 30-day deadline with respect to two or three individuals on this list.

**Mr Wood:** I understand the individuals are Mr Emo and Dr Quinsey.

**The Acting Chair:** I'm sorry; there's one on the back as well, Mr Hugh Nichol.

**Mr Wood:** OK. I move that the deadline for consideration of Mr Emo, Dr Quinsey and Mr Nichol be extended by 30 days.

**The Acting Chair:** Any further comments?

All in favour? Opposed? Carried.

## INTENDED APPOINTMENTS

## DONALD GRANGER

Review of intended appointment, selected by official opposition party: Donald Granger, intended appointee as member, Assessment Review Board.

**The Acting Chair:** The first item of business is the selection of Donald R. Granger, an intended appointee as member of the Assessment Review Board. This is a selection of the official opposition.

Mr Granger, are you here? Would you like to come to the table, please. Thank you very much for attending this morning.

**Mr Donald Granger:** Thank you very much for having me, Mr Chairman.

**The Acting Chair:** Half an hour has been set aside to review this appointment, and we'll start with any opening statement that you may have at this time.

**Mr Granger:** My name is Don Granger, and for the benefit of the members I should point out that this is a cross-appointment. In fact, I have been sitting as a member of the Ontario Municipal Board since November 1997 and had provided my name to the chair to be willing to accept a cross-appointment to assist with the workload at the Assessment Review Board.

I should point out that prior to being appointed to the Ontario Municipal Board, which has been a full-time commitment, I served as a full-time college professor in the municipal planning and development program at Mohawk College for 19 years. I am a registered professional planner in Ontario. I'd like to think that I have an intimate knowledge of the planning and development realm within the province and have practised in that capacity since 1971. I have also been employed as a conservation planner and as a planning consultant through the years. That's a bit of my professional background.

I also served a tour of duty in municipal politics. I was elected deputy mayor of the town of Flamboro and regional councillor in Hamilton-Wentworth for the term 1988 through 1991, and I was acclaimed mayor of the town of Flamboro for the term 1991 through 1994. During that political tenure, I chaired the affordable housing task force for the region of Hamilton-Wentworth. The most recent work that I've done on behalf of the municipality in Hamilton-Wentworth is that I co-chaired the constituent assembly on the municipal government system in Hamilton-Wentworth. That was a joint effort funded between the region of Hamilton-Wentworth and the province of Ontario.

I have been a long-standing member of the Royal Botanical Gardens and served a term as president of the Royal Botanical Gardens.





I should also point out that I have completed the Society of Ontario Adjudicators and Regulators course through the SOAR organization in preparation for my work on the Ontario Municipal Board and look forward to serving on the Assessment Review Board. I should also point out that I have convened 49 pre-1998 assessment that were appeals before the Ontario Municipal Board, so I feel fairly confident in the work that's needed. To date, having undertaken over 250 hearings, there have been no successful leaves to appeal, there have been no judicial reviews, or no successful reviews of any of the hearings that I have presided over. I think that would be my—

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**The Acting Chair:** OK. Thank you very much. How long have you been on the Ontario Municipal Board?

**Mr Granger:** I was appointed November 3, 1997.

**The Acting Chair:** Thank you. We'll start with the official opposition, and we have eight minutes for questioning for each caucus. Mr Levac?

**Mr Dave Levac (Brant):** Do I have a question?

**The Acting Chair:** Yes.

**Mr Levac:** I do. Thank you very much for coming today. Just a short question about why. Tell me a little bit about the passion that you want to bring to the job.

**Mr Granger:** With respect to the Assessment Review Board, I have undertaken hearings in my capacity as a member of the Ontario Municipal Board. I quite enjoyed the variety and the dynamic that's involved. I do have a fair bit of experience in chairing proceedings and really find the work very stimulating.

As you can see through the course of my career, it's always been one of service. The matter of assessment in Ontario is a very important matter and I believe it deserves good judgment. I am very happy to make my experience available in that capacity to serve.

**Mr Levac:** Thank you very much.

**Mrs Dombrowsky:** Mr Granger, you've indicated that your experience has been as chair, that you served in the role as chair of the OMB.

**Mr Granger:** Not with the Ontario Municipal Board, no. I was speaking about my experience generally of chairing committees and proceedings in my political life as mayor and as deputy mayor, as regional councillor and as chair of some task forces, which included affordable housing and government review.

**Mrs Dombrowsky:** I see. So you did not act in the capacity of chair of the OMB.

**Mr Granger:** I should say that as a member of the Ontario Municipal Board, we chair the hearings, so every day I'm really acting in the capacity of a chair to proceedings that are before the board. So it's dealing with the parties and hearing evidence and ultimately being responsible for the decision that follows from that proceeding.

**Mrs Dombrowsky:** You're speaking to the former chair of a school board, so I'm somewhat familiar with the term "chair." Because you've indicated your interest to serve in the role as chair, is that what you expect you

will be doing on the assessment board? Would that be your role, or would you be a member of the assessment board?

**Mr Granger:** I would be a member of the Assessment Review Board; I would be chairing the hearings. I understand the confusion. I don't aspire, at this point, to become the chair of the Assessment Review Board, but I do expect to utilize my background and experience to be able to successfully chair the hearings.

**Mrs Dombrowsky:** OK. I thank you for that clarification, Mr Granger. I wasn't sure. I don't believe the appointment is yet official, and you made some statements that indicated to me that maybe you would be serving in a chair role. There would be a chair of the assessment board. Is that person elected among the members or is that person appointed?

**Mr Granger:** No, the chair is appointed. The present chair is also my chair at the Ontario Municipal Board. That's Mr Douglas Colborne. He has been jointly appointed as chair to the Ontario Municipal Board as well as to the Assessment Review Board, so I'm quite familiar and have had very positive dealings with the chair of that board.

**Mrs Dombrowsky:** All right. Thank you.

**The Acting Chair:** Anyone else? We still have a few minutes left. No?

**Mr Levac:** We still have a few minutes left?

**The Acting Chair:** Yes.

**Mr Levac:** I don't want to ask a question for the sake of asking a question. I'm satisfied.

**The Acting Chair:** Mr Martin.

**Mr Tony Martin (Sault Ste Marie):** There is, it seems to me, quite a backlog before the board that you're about to be appointed to in terms of work to be done, and of course that affects the ability of municipalities to get on with doing what they need to do. What approach or tack would you bring to this position that would help resolve that very difficult problem?

**Mr Granger:** I think all that I can offer as one member of the Assessment Review Board is my commitment to be available, to be scheduled as fully as possible and to render decisions expeditiously, to the best of my ability.

**Mr Martin:** It seems there is also the problem before the board of trying to deal with the issue of shifting demographics and also shifting investment in different kinds of property. For example, the value of property in the old city of Toronto is rising at a tremendous rate while the value of property in the suburbs, even though rising, isn't quite keeping pace, and out of that property tax base each is expected to pay for the services that are required. I would suggest this is going to cause quite a difficulty, particularly to the city of Toronto as it tries to live up to its commitment not to raise taxes on any of the sectors that contribute to the fund of money that's used to pay for services.

In your looking ahead to being appointed to this board, do you have any suggestion as to how we might resolve that or how this board might be helpful in dealing with that challenge?





**Mr Granger:** I think as a sitting member, we do our best to communicate through the chair where we see obvious potential for improvement. I can't honestly say that at this stage I can offer any concrete suggestion until I'm dealing with a new system. You can appreciate that the appeals I had experienced were prior to the new system of assessment that we have here in Ontario. It goes without saying that fairness should be inherent in that system and that the decisions of the board—my experience in the past has been that we seek that fairness and equitableness within the system itself. Ultimately the system has to be formulated by the powers that be. As an adjudicator, it's our responsibility to deal with the legislation that is in effect. We're bound by the statutes, but where the statutes ask for fairness and equity, certainly I take that as a very serious responsibility, to ensure that that occurs, based on the evidence that is put before us in that role as an adjudicator.

**Mr Martin:** One of the nice things about Toronto is the fact that there are lots of people living downtown and there's lots of movement and activity. I think, personally, it lends to a sense of safety and comfort and is one of the reasons that a lot of people come to visit here. First of all, the market for family residences is strongest in the old city of Toronto but the value is going up by 33%, compared to the suburbs, where it's increasing at a rate of about 18%. This seems to me to present a difficulty and could in the long run end in a shift that would move us away from that very palatable reality. It's this government's intention to let the market decide as much as possible on lots of these issues. What would your position be?

**Mr Granger:** Again, I don't want to give you a personal opinion with respect to the legislation that's in place. I have to be careful, as an adjudicator, to apply the statute, and where that statute gives latitude in terms of determining fairness and equity, we attempt to do that to the best of our ability.

I'm not aware of the statistics you're referring to so it's difficult for me to present a position to you except to

say that I can't imagine anyone disputing that ultimately the system we arrive at should be a fair system.

**Mr Martin:** Some of my colleagues across the way will understand when I say that I have to ask these questions now.

**Mr Granger:** I understand.

**Mr Martin:** Have you ever been or are you now a member of the Progressive Conservative Party?

**Mr Granger:** I was active with the Progressive Conservative Party through the early 1980s, prior to getting involved in municipal politics. As a good municipal politician, of course, I tried to engender some neutrality. In fact, during my political experience I have seen three different provincial governments and have always felt that I was able to co-operate with all. But yes, during that period I was very active with both the provincial and the federal associations in the Flamborough-Hamilton-Wentworth area. To date, I continue to be a life member of the Progressive Conservative Party in Ontario.

**Mr Martin:** Were you active in the last provincial election?

**Mr Granger:** No. As an adjudicator and due to my appointment with the Ontario Municipal Board, I was restricted from taking any active role in the election, and I certainly take that responsibility very seriously.

**Mr Martin:** Thank you very much.

**The Acting Chair:** Any of the government members?

**Mr Wood:** We'll waive our time, Mr Chair.

**The Acting Chair:** Then I would ask the committee for a motion of concurrence with respect to the appointment.

**Mr Wood:** So moved.

**The Acting Chair:** Moved by Mr Wood. Any further discussion? All those in favour? Opposed? Carried unanimously.

Thank you very much, Mr Granger, for attending.

The meeting is adjourned.

*The committee adjourned at 1022.*





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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Wednesday 19 April 2000

# Journal des débats (Hansard)

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 19 April 2000

Mercredi 19 avril 2000

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr Jim Bradley):** We'll open the meeting for Hansard purposes and other purposes today. The first item is the report of the subcommittee on committee business dated Thursday, April 13, 2000. It says "see attached." I believe there were no appointments asked for, for that period of time.

**Mr Bob Wood (London West):** I move its adoption.

**The Chair:** Moved by Mr Wood. Any discussion? All in favour? The motion is carried.

## INTENDED APPOINTMENTS

## EDA KRANAKIS

Review of intended appointment, selected by official opposition party: Eda Kranakis, intended appointee as member, Ontario Graduate Scholarship Selection Board.

**The Chair:** Under appointments review, we begin our half-hour review of intended appointments as follows from a certificate received on March 24, 2000, a selection of the opposition party. The first at 10 am is Dr Eda Kranakis, who is the intended appointee as member, Ontario Graduate Scholarship Selection Board. You may come forward, please, and you will correct my pronunciation if I have mispronounced your name.

What happens is, as you will probably have been briefed, there is an opportunity for you to make an initial statement, should you wish to do so, and then we commence questioning from the political parties for 10 minutes each. If you'd like to make a beginning statement, you're welcome to do so.

**Dr Eda Kranakis:** I'll just review briefly my qualifications, which I gather you want to know about.

My basic qualifications for this position are, first of all, that I have served on an OGS panel, which means I've done the process of actually having to read through huge piles of applications and selecting the most meritorious; second, that I have served as the director of graduate studies in my department, which was one of the largest graduate programs in the faculty of arts at the University of Ottawa; and third, that I direct graduate students. That's all.

**The Chair:** Very good. I'm going to commence with the government caucus today, I'm told, because I've had

some advice that the last day the NDP commenced. If it's all right, I'll start with the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** You're going to waive your time. OK. That means I will go the official opposition. Mr Ramsay.

**Mr David Ramsay (Timiskaming-Cochrane):** I have no comments at this time.

**The Chair:** Ms Dombrowsky.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** You indicated that you have served on a panel of Ontario Graduate Scholarship previous to this. For how long? I know this is in the background.

**Dr Kranakis:** You always serve for one term.

**Mrs Dombrowsky:** For one term. We are always interested to know about any political affiliations you would have had.

**Dr Kranakis:** I don't have any.

**Mrs Dombrowsky:** You don't have any. Oh, very good. Well, not so very good, but it's always interesting when we get that information. Those are all the questions.

**The Chair:** Any further questions from the official opposition? If not, we'll move to the third party.

**Mr David Christopherson (Hamilton West):** Thank you for your comments. Thank you for coming in. I think you'll do an excellent job; I'll be pleased to support your nomination.

**Dr Kranakis:** Thank you.

**The Chair:** I should tell you that this is one of the easiest ones I've ever seen, so you must be pleased at that.

**Dr Kranakis:** This is all there is?

**The Chair:** Yes, that's all there is. The members have no further questions. They must be very impressed with your credentials and with your initial statement. If you like, I'll give you time for any wrap-up statement you'd like now.

**Dr Kranakis:** Increase the funding to OGS?

**Mr Christopherson:** They're not going to say yes.

**Dr Kranakis:** Well, that's my statement. There is some talk about increasing funding to OGS, and I think it would be a good thing. There are a lot of financial difficulties for students, and I think those grants have to keep up with the cost of living.

**The Chair:** Perhaps as Chair, I can exercise my prerogative of asking some informational questions. One of



the very good things about this committee, in addition to finding out about the appointees, is finding out about the area in which they are involved and getting some indication of how programs work. Perhaps you could help us out. We don't have our next appointee here at this time and I'd be interested in knowing how the Ontario graduate scholarship works, if you would give us a little bit of background.

**Dr Kranakis:** There's a deadline in your department by which you apply and the students prepare their proposals, their packages. They focus a lot on—actually your GPA is extremely important. That has good aspects because with high GPAs you are definitely getting top students. It doesn't mean that a person with a somewhat lower GPA is not a top student. For example, one of the—

**The Chair:** What does GPA stand for again?

**Dr Kranakis:** Grade point average.

**The Chair:** OK.

**Dr Kranakis:** That's the bottom line in academia.

**The Chair:** See, we politicians are notorious for using acronyms and everyone wonders what they are. I always ask our members—in the Legislature, for instance, when we're asking questions of the government—not to use "CCAC" or something like that because the public doesn't know what it is.

**Dr Kranakis:** Sorry.

**The Chair:** Thank you very much. Keep going.

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**Dr Kranakis:** There are cases where even when a student has a lower grade point average, it's due to completely other circumstances. For example, one of my graduate students was actually trained to be a classical pianist, and at the same time was doing an undergraduate degree. It's an impossible combination, and because of that her undergraduate degree grade point average was lower and probably she would never have gotten an OGS. But she was actually an excellent student, did a thesis considered worthy of a prize and has gone on to a very good job based on her thesis.

They get their files together. Then what happens is that they have to get the letters of recommendation or these confidential reports from the professors who know their work. Then a committee of the department that's linked with the graduate studies committee meets and has to rank all the candidates. This is called the departmental ranking. This is extremely important because we're the people who know all the students, and since it's a committee, you can't have favouritism, where one person favours their students over everybody else's, because it's a committee.

I actually chaired that committee when I was a chairman of graduate studies. You have to write a little blurb about each candidate that tells their particular strength if you want to help to maximize the number of your students who get the OGS. You're trying to say something positive, but you have to rank-order them from the one you consider the top, down to the bottom.

That all goes off and then the panels are formed, of people like myself, professors who do graduate teaching. We have to adjudicate all the people applying from all over Ontario. You adjudicate by discipline for the most part, except in one case, which is the case of the international scholarships. That's the actual panel I served on. There you don't adjudicate by discipline. You get a whole package of a lot of different disciplines. Adjudication by discipline is important because different disciplines have different approaches, different methodologies, different ways of thinking about the world, and you have to be judged by people in your field.

The panel members meet. They have to read through this huge pile of applications and then they rank-order them. They meet and discuss who should go first and who should get the grant and who shouldn't. Finally, in the spring, I can't remember exactly what date it would be, the results go out.

**The Chair:** What kind of dollars are we talking about for students on this?

**Dr Kranakis:** On the OGS?

**The Chair:** Yes.

**Dr Kranakis:** It was something on the order of \$11,000. That, as I understand, is supposed to be like—that is the flagship of support from the province of Ontario. Part of the problem is that the national one, the SSHRC, has gone up and OGS has stayed the same. That has a couple of negative impacts.

First of all, if you want to make a really positive statement about Ontario, you don't want to have your scholarship considered second-best, which is clearly what it is now. Part of the problem with the OGS, as I see it is, that it is single-year funding, whereas the SSHRC has gone over to multiple-year funding. A real problem students have is that they're on a very short funding leash and they never know. You need to get continuity of funding. They're starting a long program of study. If they don't know whether they're going to have any funding next year, it creates anxiety. It actually can interfere with their studies.

This is why if you have won the award, to have to go back to the whole process again for the second year I find to be a bit counterproductive. You've already established that they are qualified for the scholarship. To give them continuity, you could set conditions such that they can't fall below a certain grade point average or something. That's one area where the OGS might want to consider strengthening it to make it more attractive and give that continuity of funding that students need.

**The Chair:** That's very interesting to hear. Is it all right if we allow members a question or two? I think this is more informational right now.

**Mr Wood:** I have no problem with that. I was going to say that we hope Mr Poulin may arrive early. We're working on that right now, so we'll let you know as soon as he arrives on the scene.

**The Chair:** That would be fine.

**Mrs Dombrowsky:** This has been excellent conversation and your comments have raised some questions for



me. I was interested in the statement you made when you indicated it's your understanding that there may be some increased resources coming to OGS, that you would be looking forward to that.

**Dr Kranakis:** I would look forward to it if they would—

**Mrs Dombrowsky:** Did I understand you to say, though, that you had been given that impression, that there would be some additional resources coming to OGS?

**Dr Kranakis:** I don't know. I know we want it.

**Mrs Dombrowsky:** All right.

**Dr Kranakis:** I don't know that it has been increased. I know we want it to be increased.

**Mrs Dombrowsky:** Indeed, and understandably so. I understood you to say that you had heard there were going to be some additional resources available and that you would be looking forward to—

**Dr Kranakis:** No, I haven't heard anything of that. I haven't heard that there's going to be. I know that our graduate school wants additional resources. I know other graduate schools want additional resources. I know the faculty wants additional resources. I know the students want additional resources. But what's going to be done with that, I don't know.

**Mrs Dombrowsky:** So there would be a need for additional resources and, additionally, for a commitment over a period of years.

**Dr Kranakis:** That's as important, for the reasons I've explained. If the students have no continuity of funding, it's demoralizing, particularly if you're starting a PhD. You know you're going to be there for four years. What if you put in two years of the work and suddenly your funding just drops out? It puts a big stress on students.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** Good training for politics.

**Dr Kranakis:** Yes, well—

**Mr Guzzo:** I apologize.

**Dr Kranakis:** There is another thing I could say about the issue of increased funding. I know you guys probably hear this all the time: "We want more funding for this, we want more funding for that." But the issue with higher education is particularly unique. The whole function and social role of higher education is really changing. Much more than previously, it's becoming a direct productive force.

I'd like to give you an example of my own students. This was the one who was training as a classical pianist. This student came and took a course from me. I teach the history of European integration; it's one of the things I teach. I always indicate what topics they could do for graduate work. She chose to do a topic that has to do with standardization in Europe. They have the European Commission, the European Community, and they're working on European-level standards. The question is, how does that affect access for Canadian companies to the European market?

She started to work on that topic. She went to interview some of the Canadian companies. They were so impressed with the fact that she had done this topic that she is now the standards analyst for one of these companies—she works in England—who does relations with the European Community. She got that job directly out of her thesis topic in the history department.

Twenty years ago, to see such a thing would have been much rarer. You had the idea that the humanities in particular were the ivory tower. Now you're training people who actually can make a direct contribution to innovation, to economic growth, because regulation is a whole big part of the technological development.

The whole area of growth of jobs is in fact in a more highly skilled sector. It's important to maximize Canada's chances in the world, to try to maximize the opportunities for students to get that higher education, because it leads them to jobs they wouldn't otherwise be able to do. There's no way she could have gotten this job if she hadn't done that work.

It's a new world we're entering and I think the funding programs we have to do have to reflect that changed reality.

**The Chair:** I'm at the committee's mercy. Mr Poulin has arrived at this time. However, if Mr Spina would like to ask a question, he can do so; if not, I'm going to call it to a conclusion. The committee has been kind enough to have a little bit of flexibility this morning, and I appreciate that.

Thank you very much for your appearance before the committee. A decision will be rendered today on whether your appointment is endorsed by the committee or not. I think you've got a pretty good hint of whether it will be. Thank you very much.

**Dr Kranakis:** Thank you.

1020

#### ROYAL POULIN

Review of intended appointment, selected by official opposition party and third party: Royal Poulin, intended appointee as chair, Ontario Northland Transportation Commission.

**The Chair:** Our next candidate is Royal Poulin, who is the intended appointee as chair, Ontario Northland Transportation Commission. Mr Poulin, please come forward. Our practice is that if you wish to make an initial statement, you are welcome to do so. We welcome you to the committee. Thank you for making the trip to Toronto for these purposes.

**Mr Royal Poulin:** Thank you for having me here. It's always fun to come to Toronto, always fun to go back north. I would just like to give you a quick overview of my career. You all have a copy of it, so I won't bore you with facts, but I just want to say that I was born and raised in northern Ontario, educated in northern Ontario, and worked all my career in northern Ontario. I have worked for the private sector and also the public sector.



I started my career as a social worker for the Nipissing District Social Services Board, and that board covered all of Nipissing district. Then I moved on to being a municipal adviser in North Bay for five years, at which time my area of coverage was from Hearst to Parry Sound, Timiskaming district. Then I moved on to being the manager of municipal affairs in the Sudbury office, and then I covered the rest of northeastern Ontario. In 1991 I was appointed the director of economic development in the Ministry of Northern Development and Mines, and that covered all of northern Ontario. In 1996 I was appointed the general manager of the northern Ontario heritage fund and also was given the responsibility for the administration of the northern highways.

I just want to impress upon the members that I'm very familiar with the issues in northern Ontario, very familiar with economic development. My job has given me the opportunity to meet with the mayors and reeves, elected municipal politicians and businesspeople over the last 30 years, so I'm very familiar with the issues in northern Ontario.

I also served on various volunteer boards. I was chairman of the Nipissing Board of Education. I was also the chair of the west Nipissing hospital and a member of the Laurentian Hospital in Sudbury. So as you can see, I've done a lot of volunteer work in the area.

**The Chair:** Thank you very much, sir. I will commence with the official opposition this time.

**Mr Ramsay:** Welcome, Mr Poulin. Nice to see you. I guess officially you're a constituent of mine. It's very nice to have you down here, although I know you work out of the Soo a lot at the heritage fund office, and Sudbury, I guess. I would just say right off I support your appointment to the ONTC. When I found out yesterday from Bruce Crozier that you were going to be here, I took this as an opportunity to start to discuss some of the areas of concern that probably you and I would share about the commission, and the minister also. Actually, I sent you a letter about a week ago about the railway with some ideas on how I thought maybe we should go about re-inventing that Northlander train. As I said in the letter, I would like to work with you on that.

Over the years I've been critical of the organization that you're now going to head, and I hope you bring a breath of fresh air to it and start to look at in a new way. When I look at all the different functions that the ONTC carries out, from telecommunications and the challenges there to the train service—there's no longer an air service—that the private sector could carry out, I almost have to ask, do you think you might be the last chair of the ONTC?

**Mr Poulin:** I can't answer your last point, but I want to thank you very much for your letter and also your kind words. I certainly want to work with all the customers and the residents of northern Ontario, the corridor, and to listen to them. I've heard some of the same complaints that you've heard, Dave. I've read in the papers some of the same complaints. I've read some of the comments you've made about privatization, maybe, or partnership. I

guess I have to go in there with an open mind and work with my board to try to find solutions that will meet the needs of our customers. The mandate is to look at the services, how they can best be provided. I guess all options are open.

**Mr Ramsay:** That's very refreshing to hear. I think the key words there are certainly "an open mind," because in my dealings over the last 15 years with the ONTC, there are very good, well-intentioned people, but they have a very bureaucratic mindset. There have been various administrators in the past who basically ran the thing like an empire, like it was their personal empire. That has changed over the last few years, for sure.

To me, one of the areas of most narrow mindset has to do with passenger rail service. It seems to me there has been the prejudice that we should just get out of that. It's very refreshing to hear the minister say he would like you to look at it again and see if we can improve it. As you know, I've been kind of—pardon the pun—railing about the train service for the last couple of years, in a positive way, trying to make some positive suggestions to basically convert this train service into some sort of tourist attraction by modernizing it, putting in very attractive amenities and attractions.

I know the Chair of this committee won't be too pleased to hear it, but I've proposed a casino in that train, snowmobile cars, and to really get back to the idea of providing people here a northern adventure. We have a mechanism here. It probably should be run by the private sector; maybe he would pull it. There would be some partnership there, but we should really get back to the excitement of coming north to all the wonderful things we have to offer, especially with the rejuvenation of snowmobiling over the last few years, and make the trip an entertainment itself, make it into an income-generator, a profit centre. For the needs of the elderly and others who have to come to Toronto for medical care, there would be a whole range of class of services and accommodations that would be affordable, because this train could generate some revenue.

This would be very different thinking from what the ONTC has had in the past. At least it's worth a look, I would hope. Maybe we would get not just some rail consultant but a first-class tourism consultant. I would be interested to hear your ideas and what your approach might be on this.

**Mr Poulin:** I read with interest the comments you made a month or so ago about the passenger train and a casino. Since I've been named the chair—not appointed, but named—I've received a lot of letters and faxes from the mayors of the area. As you know, I know them very well, and they are very supportive of my name being put forward for chairing it. I've listened at great length to some of their comments, and a lot of what you've said, I've heard.

I certainly intend to have consultation with the people in the north. A lot of people have a lot of emotion about the passenger train, and the mandate is to look at the customer service, how we can improve it, and if we



improve customer services maybe we'll improve the bottom line, the revenue line, at the end of the day. We all want to make sure that the best possible service is offered to the customers of that corridor. So I hear you, and the municipal politicians have certainly got to me since my name has appeared in the paper, so I'm open to suggestions. I look forward to working with these people and hopefully we can come back with the right solution.

1030

**Mr Ramsay:** I would hope from that that you have some sort of formalized process to involve all those partners up the corridor, to initially get their ideas and then maybe sit down and say, "Are you willing to be part of this?" I think that's where we need to put it back in their court too and say, "OK, I'm willing to work with you; let's form some partnerships."

**Mr Poulin:** Consultation will be a very key and important issue, to make sure that people are heard. We need to do that in order to come up with the right solution.

**Mr Ramsay:** One of the biggest frustrations the people of the northeastern corridor have with the ONTC is in regard to the competition of long-distance rates. They see the ONTC as an impediment to the opening up of those rates. We're one of the last areas of the country that doesn't have competitive long-distance rates. The CRTC keeps extending it, and every time Northern Telephone wants to make some moves, it's usually the only TC that comes before the CRTC that makes an objection. I've really got to ask you, do you think government should be in the telephone business today? Shouldn't we get this cleaned up and let the private sector run this?

**Mr Poulin:** I can't give you a fast and straight answer here because I don't have all the facts in front of me. It would be very premature for me to say yes, I agree that it should be privatized, but certainly we're going to look at the service. We want to provide the best service to the customers. We've heard from the customers saying exactly what you said. They've said it publicly. Not only have they said that for telecommunication, but they've said that for freight, they've said that for passengers, they've said that for the ferry. So I hear you. We have to address these issues during the review process.

**Mr Ramsay:** Chair, how much time do I have left?

**The Chair:** You still have three minutes left.

**Mr Ramsay:** It seems to me, looking down the list at some of the services you provide, that the agency is an IBM business partner offering IT planning and consulting services and marketing IBM computer systems. I believe the government should be there when the private sector can't do things—I fully believe that—but when the private sector is there and can deliver, why are we doing stuff like this?

**Mr Poulin:** I can't give you the answer because I don't have all the facts in front of me, but certainly the point you're making, at first hand, makes sense. Why should we be in there when the private sector is in there? Maybe the private sector doesn't want to be there. I don't know. I don't have the answer, David, but I certainly intend to review all of the comments you've made.

**Mr Ramsay:** Do you have a sense about air service? Do you think we'll ever see some regional air service in some of the smaller centres in the northeast again?

**Mr Poulin:** There is some air service now being provided by various carriers. I'm not familiar with where it's at now because it's not under my responsibility, but I've read documents since being named as the chair—not appointed but named—and I know this has raised a lot of questions. But I can't give you a yes or no answer here.

**Mr Ramsay:** There were some subsidies after the cancellation of norOntair but they've all gone by the board now, so the nine centres that used to have some air service no longer have it. You see much better air service in the northwest. I think there are some ideas there, to look at the companies and have them make some suggestions about where air service should properly run out of the northeast. Rather than dictate that it's got to be Earlton or Kirkland, let's bring in those partners and say: "Let's design and work together on providing some regional air service. How do you people in the industry believe it should be done?"

**Mr Poulin:** I've been talking with some mayors, especially the one from Elliot Lake, Mr Farkouh. He has advised me that they have a working group looking exactly at air service and how it can be delivered. He's asked me to meet with him as soon as I'm confirmed, and I said I would, so I'm looking forward to meeting with him.

**Mr Ramsay:** Good luck.

**The Chair:** I think we're out of time for the official opposition. We now have the third party.

**Mr Christopherson:** Thank you very much for coming in. Let me say at the outset that as much as I'm here representing the NDP caucus, specifically I'm here expressing some of the views of Gilles Bisson, Shelley Martel, Tony Martin and my leader, Howard Hampton, in terms of their concerns as northern representatives. They were unable to be here.

I note when we look at the background, the news release of March 8 that was put out by the Ministry of Northern Development and Mines, it says, "HUDAC announced that the Northlander train will continue to run while the board considers options for improving passenger train service in all other ONTC operations. The minister said, 'I believe the Northlander can and should be improved and I will not be satisfied until every possible avenue for providing better service for the people of northeastern Ontario has been explored.'" Not a lot of comfort, I wouldn't think, to the people of the north when all the minister's really saying is that until we make a final decision on the recommendations of the committee that was struck, it'll continue, but no sense that it's going to be there in any shape or form after the review.

I further note in the background material that clearly the primary reason they're running a deficit is that the operating grants for the operation of the ONTC have been slashed dramatically. When I go back to the beginning of the last decade, there was \$21 million in operating grants. As we all know, all train service—GO,



for instance—is subsidized. There's nothing unique about that.

For the first three years of the last decade, it hovered around \$21 million, give or take a few hundred thousand. As the depths of the recession took hold, it dropped to \$16 million in 1993-94 and to \$15.8 million in 1994-95, which was the absolute bottoming out of the recession. As we came out of the recession, the grant level reflected the economy starting to come back. In 1995-96, which was half under the NDP and half under the current government, it shot up to \$24 million, the highest of the decade. Then in the first full year of the Harris government, it was slashed from \$24 million to \$8 million. Then it dropped to \$4 million again, back up to \$8 million, and the estimates for this year are \$4.171 million. Obviously the reason there's a financial problem is because the government has pulled the financial underpinning out from underneath the Northlander.

First of all, I guess, your thoughts on that, your comments just on that history and what that says to you.

**Mr Poulin:** The mandate has been clearly stated by the minister that it's a service review for the customers. We have to listen to the customers, and the customers have said to us that they have some issues regarding the service that's being provided; the cost too. That's what the board and myself will undertake to review. If I'm confirmed today, I will start the process immediately.

**Mr Christopherson:** I appreciate that, but we're still not getting to the crux of it. There's a financial problem, a crisis, if you will. That's why the special committee was struck. They're reviewing what to do about it. But when we look at the dollars, when you go from \$24 million in 1995-96, initially at least under the NDP estimates for that year, and then drop to \$8 million the next full year of the Harris government, it's pretty hard to avoid the argument and the reality that the crisis was caused because the government pulled the funding out.

Then the government steps in and says, "Now we've got to find a way to solve the crisis." Just like in health and education, I think most objective people would argue, "There's your problem."

**Mr Poulin:** All I can say is that I don't have with me all the information that you've just quoted, but part of the review will be the cost of delivering the service, how it can be delivered, and customer service. That's what the review will be.

**Mr Christopherson:** I have to tell you, that's not very satisfying. I appreciate what you're saying, and I understand the dilemma you're in, that you've got to step into this position. The government has a majority and it will probably carry the day, but that's not a lot of comfort. I say that as a southerner. I imagine northerners wouldn't feel really comfortable.

You're currently the general manager of the northern Ontario heritage fund. Do you report to the minister?

**Mr Poulin:** No.

**Mr Christopherson:** That heritage fund comes under the responsibility of which minister?

**Mr Poulin:** The Ministry of Northern Development and Mines, Tim Hudak.

**Mr Christopherson:** That's where you now work. That would be the same minister who's responsible for the Ontario Northland Transportation Commission.

**Mr Poulin:** That's correct.

**Mr Christopherson:** Here's our dilemma. I'll tell you right up front that all of my colleagues had very complimentary things to say about the public service that you've provided in the north. They're very up front about that. That's not our issue.

1040

We've got two problems that we can't seem to get past. One is that you're already working in a department that ultimately answers directly to a minister, the same minister where you're going to be the chair of another commission. Arguably there is an inherent structural conflict there. If that minister is giving off signals that he doesn't want you, as the chair, to be pointing the finger at grant money, there's an argument that it would be difficult for you, and not in your best interests or those of the organizations you work for, to bell that cat, to say, "Well, it's the minister's grant-cutting that's caused all the problems." You're going to be a little reluctant to do that. That's problem number one.

Number two: It's possible that even if the ONTC made a recommendation that the money be found and one of the options was from the northern Ontario heritage fund, like a transfer in terms of the northern interests, and you shift priorities, then again you have a conflict in terms of one entity you're responsible for can be helped, but only at the expense of another entity that you represent.

So there are these two inherent structural conflicts where you're tied to the minister on both ends of what you're doing, both your regular job and then this appointment. Secondly, you're also responsible for an entity that may indeed be looked at to cough up some of the money to try and keep this important transportation service available to people in the north.

I have to say to you, sir, that unless you can totally alleviate all of our concerns about that, we're not going to be able to support your appointment. I don't think that's going to block it, but it's enough to prevent us from being able to say we're supportive of this. It's not personal; it's about the structure. But please comment on what I've described and perhaps you can alleviate those concerns.

**Mr Poulin:** It's a good question, and ever since Mr Bisson raised it at the time my name was put forward I have been giving a lot of thought to that. In my 33 years of experience working for the public sector, I've worked with various MPPs, and I've always looked at a service that I'm providing to the elected officials.

I've also looked at my career in the past, where I served as mayor of Cache Bay in my younger days and on the board of education. I was also working for a district social services board and working for the Ministry of Municipal Affairs at that time. I was always able to keep my integrity. I made the right decision for



the hat I was wearing that day. So yes, I've given it a lot of serious thought, but I feel that with my years of experience I've been able to handle both sides. I feel I can do the same with the ONTC.

**Mr Christopherson:** Let me just say, sir, that I believe you'll do that. Again, I want to emphasize that my colleagues speak very highly of you as an individual and as a public servant, all of them. I believe that you will reach in and use the wealth of integrity that I believe you have and they believe you have, but we're all still human, and at the end of the day there are sometimes conflicts. That's why we have some laws about arm's length and not building in conflict. Sometimes there are just things that we can't overcome as humans. To that degree, this is not a good appointment. Keeping both of those entities—for reasons I won't repeat, we just think it's not good government.

I think you'd be an excellent fit perhaps in another role. I think you're a benefit to the north. My colleagues believe you're a benefit as an appointee and a representative of the public service, but this fit doesn't work, with this potential for conflict. Please don't believe for one second that I'm suggesting we think you're going to do anything untoward; quite the opposite. But we think it's beyond reasonable expectation that a human being can assume both of these roles and not find that conflict in some way getting in the way of the best decisions. For that reason, we will be opposing it.

Please understand that my colleagues emphasized very strongly that it was not personal, that they had the highest personal regard for you, but this is a bad appointment. The government has made a bad fit. We're sure there is somewhere else where your experience and background and integrity could be put to use without this shadow of doubt that exists.

Assuming that the majority will carry here today, we do wish you the best on behalf of the citizens of northern Ontario, sir.

**Mr Poulin:** Thank you.

**The Chair:** For the government caucus, Mr Spina.

**Mr Joseph Spina (Brampton Centre):** Mr Poulin, thank you for coming here today. You understand that I have to work hard to call you Mr Poulin, since I know you better than that.

**Mr Christopherson:** I didn't know that part.

**Mr Spina:** In my previous role as parliamentary assistant to the Minister of Northern Development and Mines, I was certainly very familiar, and still am very familiar, with the operations of MNDM.

I wanted to address a couple of things first, if I may. I wanted to address some of the issues that Mr Ramsay spoke of that I think had some validity. That had to do with economic development opportunities that perhaps the ONTC could capitalize on or perhaps has missed capitalizing on because of—I'm using Mr Ramsay's words—the “bureaucratic mindset” of management.

Do you feel there are enough economic development issues that are now coming forward from industry, in northeastern Ontario particularly? I know that even though the members from northwestern Ontario may

have an interest, essentially ONTC has virtually no interest in the northwest. I'm talking about financial interest. Do you think there are enough economic development initiatives, Royal, in the northeast to help pull the ONTC into a better, more independent operating body?

**Mr Poulin:** Well, being involved in economic development over the last 33 years in my career, we certainly see the ONTC as a vehicle for economic development. There's certainly sufficient interest in that service from an economic development point view that, yes, I do believe the rail passenger and all the other services that the ONTC is providing are very important to the community. There is certainly economic benefit to be had.

**Mr Spina:** I appreciate that you probably have not been really briefed on the actual inner workings of the corporation and the financial statements, but there were some structural changes to ONTC that made it a more accountable corporation. What it did was it divided the corporate accounting system, clearly identifying the different segments of ONTC, because it is really a conglomerate that is not just into rail service, passenger and freight; it's into the ONTel, as Mr Ramsay indicated, and it's into shipping, going into the Chi-Cheemaun, the Pelee Island ferry and those other elements. Frankly, I was surprised that Mr Ramsay would support the norOntair, because I think that was a good move and, in fact, if there is any shortage of service from the air side right now, I would suggest that it's probably just a matter of time before smaller airways like Bearskin or Georgian will move in to fill that gap and take some of the pressure off northern ONTel, or at least ONTC, to provide additional service, if you will, for passengers.

I don't know how familiar you are with that structural change, but do you think that is a positive element towards identifying which portions of the corporation might be better able to support other parts of the corporation?

**Mr Poulin:** I've had a few conversations with Dick Grant, the present chair of ONTC, and he has certainly pointed out to me the changes they have made. You see some very positive signs in this. I tried to identify which divisions are supporting themselves and which are not, one that's making profit and the one that's not making profit. Dick Grant has really given me the impression that the restructuring they've done is starting to pay off. I look forward to getting more familiar with it so I can understand it better, and this will help in our review process.

1050

**Mr Spina:** I'm going to shift over now to some of the comments Mr Christopherson made that, frankly, were not entirely accurate. His numbers may have been accurate but I guess it was, with all due respect, David, the way it was presented.

**Mr Christopherson:** The facts are the facts.

**Mr Spina:** Let me shed some light on it, if I may, for a minute. You talked about a \$24-million grant dropping down to \$8 million. The reality is you conveniently left out that that's when norOntair was sold, which reduced



the amount of liability on the part of the government that was owed to subsidize that service. In addition to that, there was \$11 million in proceeds from the sale of assets that went to the corporation, which reduced the necessity of grants needed from the provincial government. I just wanted to set that—

**Mr Christopherson:** It's just a coincidence that the grants were cut at the same time there's a deficit crisis.

**Mr Spina:** The grants were not—

**Mr Christopherson:** Meanwhile, we get the same thing at the Henderson hospital in Hamilton.

**Mr Spina:** Come on, you're way off base.

**The Chair:** Order, please. Questions must go from Mr Spina to Mr Poulin.

**Mr Spina:** The reality is that there was no longer a need for that subsidy, which is why it was reduced.

But I want to get to the question of your integrity. I am pleased to see that the northern members actually endorse you as an individual; however, they think you're human and you could be prey to some sort of problem. I am thinking of the structure of what exists at this point, and I don't think there will ever be a problem, in my mind, for these specific reasons: The NOHFC is a crown corporation, correct?

**Mr Poulin:** Correct.

**Mr Spina:** You are employed by the NOHFC?

**Mr Poulin:** Correct.

**Mr Spina:** As the general manager, you report to a board of directors?

**Mr Poulin:** Correct.

**Mr Spina:** The funding philosophy of the NOHFC is fundamentally different today than it was when Mr Christopherson's party was in government. Is that correct?

**Mr Poulin:** Correct.

**Mr Spina:** So when the NOHFC puts funding out, it seeks a public-private sector partnership, generally speaking, and it must meet fairly stringent criteria before dollars are let out.

**Mr Poulin:** Correct.

**Mr Spina:** OK. The ONTC is also a crown corporation reporting to an independent board of directors.

**Mr Poulin:** Yes.

**Mr Spina:** So the reality is that before there is any consideration for dollars to cross from one corporation to the other, it has to be essentially approved by two boards, fundamentally controlled by the private sector. Is that not right?

**Mr Poulin:** Correct.

**Mr Spina:** So as chair of one board or general manager of the other, you really don't have the personal authority to transfer those funds. It's up to the decision of those private sector board members, is it not?

**Mr Poulin:** That's correct.

**Mr Spina:** Thank you. And I say that because it's not just Mr Poulin's integrity. I think it's very clear that these two corporations would be more than enough check and balance to ensure that that kind of situation does not exist.

Mr Poulin, thank you for coming. I fully endorse your appointment and I look forward to nothing but positive things to come from your role as chair of ONTC.

**The Chair:** The time has expired for the government caucus, Mr Spina. In fact, I think it's over, but you were going in such an interesting direction.

Mr Poulin, we're pleased to have you before the committee to answer questions. You may now step down.

**Mr Poulin:** Thank you.

**The Chair:** We have had opportunity to interview and hear from the two applicants.

I'll deal first of all with the intended appointee as member, Ontario Graduate Scholarship Selection Board, Dr Eda Kranakis. I'll accept a motion.

**Mr Wood:** I move concurrence.

**The Chair:** Any comments?

**Mr Guzzo:** If I could just make one declaration, being from the nation's capital, I'd like you to note that the good doctor commenced her teaching career in the United States at Yale University in the United States. She moved to Harvard University in 1989, and in the last eight years she has been at Carleton University and the University of Ottawa. We in Ottawa, particularly alumni of both those places, feel that she is moving in the right direction and that this is a positive progression. I simply wanted to put that on the record in defence and support of Ottawa's two locations of higher learning.

**The Chair:** Thank you very much, Mr Guzzo. Any other comments?

**Mr Guzzo:** There may be some who don't agree with me, but I would like to tell you that in Ottawa we'd certainly adhere to that.

**The Chair:** We're glad to hear of your patriotism. Notice I didn't say "parochialism"; I said "patriotism."

Any other comments? No? I'll put the motion then.

All in favour of the motion? Opposed?

The motion is carried.

Next is Royal Poulin, intended appointee as chair, Ontario Northland Transportation Commission.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence. Debate? No one wishes to comment?

**Mr Christopherson:** Recorded vote.

**The Chair:** A recorded vote will be the order of the day for the motion for Mr Poulin by Mr Wood.

## Ayes

Dombrowsky, Guzzo, Kells, Ramsay, Spina, Wood.

## Nays

Christopherson.

**The Chair:** The motion is carried.

Any other business before the committee? If not, the committee meeting is adjourned.

*The committee adjourned at 1056.*





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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 26 April 2000

# Journal des débats (Hansard)

Mercredi 26 avril 2000

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Subcommittee report

Intended appointments

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 26 April 2000

Mercredi 26 avril 2000

*The committee met at 1003 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** Seeing that all parties are represented, I'll call the meeting to order.

The first order of business on the agenda is a report of the subcommittee on committee business dated Thursday, April 20, 2000. You see that on your attachment. It considered the selection of intended appointments for the committee and agreed to recommend that "the following intended appointees from the certificate received on April 14, 2000 be selected for review." You can read what that is.

Would someone like to move the report of the subcommittee?

**Mr Bob Wood (London West):** So moved.

**The Chair:** All in favour? Carried.

## INTENDED APPOINTMENTS

## KATHERINE QUINSEY

Review of intended appointment, selected by official opposition party: Katherine Quinsey, intended appointee as member, Ontario Graduate Scholarship Selection Board.

**The Chair:** Under our appointments review, we have a half hour review of intended appointments for the following: From the certificate received on March 24, 2000, we have at 10 am—it is a little past now—Dr Katherine Quinsey, intended appointee as member, Ontario Graduate Scholarship Selection Board.

Dr Quinsey, you could come forward if you wish and join us at the table. Welcome to the committee. The procedure we follow is that, should you wish to make an initial statement or any initial remarks to the committee, we would be happy to hear those remarks, and then each of the three political parties has an allocation of time to question you and hear your answers. So welcome to the committee, and if you have an initial statement, we're happy to hear it.

**Dr Katherine Quinsey:** Thank you. I would just like to note that my name is Katherine, not Kathleen, and that should be entered into the record.

**The Chair:** There's a typo on there.

**Dr Quinsey:** I would like to make an initial statement addressing my qualifications for the position, some of

which will be apparent to you from my curriculum vitae. I've been a member of an OCGS selection panel and I've also chaired an OGS selection panel as well. I've acted as chair of the graduate studies committee of my department and I've been department chair for the last two years. So I have very extensive experience in the OGS selection process at a number of levels, probably at all levels except that of the board itself. Also, I have extensive experience in reviewing dossiers for awards and for appointments just in the general course of my work as department chair.

I have sat on the awards selection committee of our graduate studies and research faculty and that involves, of course, reviewing applications from different disciplines for NSERC and SSHRC grants and, of course, I'm involved in appointments in promotion and tenure review continually. I have a great deal of experience in the review process and particularly in the OGS review process.

**The Chair:** Thank you very much. We'll commence with the official opposition and Mr Crozier will be first.

**Mr Bruce Crozier (Essex):** Dr Quinsey, welcome. I was pleased when your name first came forward to see, of course, that you're from the University of Windsor, which we are very proud of in the Windsor-Essex area. It's without doubt that you come very well qualified. It's not our intent this morning other than to say that you are very well qualified and, quite frankly, we will support your appointment. But we'd like to have you here today, from our point of view, to just ask a few questions about how you feel about the Ontario graduate scholarship program.

**Dr Quinsey:** Certainly.

**Mr Crozier:** You have experience, as you've pointed out, and your curriculum vitae also points out, on selection panels. We'd like to have you outline for us what you see as some of the strengths and weaknesses of the Ontario graduate scholarship program. Some of the areas that you might comment on would be eligibility requirements, application process, the number and value of the awards and perhaps the structure and organization of the selection board; either any or all of those or some of your own.

**Dr Quinsey:** I think I'll start certainly with my very emphatic support for the program itself. I think the Ontario graduate scholarship program has certain strengths that are actually quite different from those of SSHRC and NSERC. For one thing, it funds a very broad range of



students, so it's supporting education in general rather than a specific research agenda.

One of the things I found most interesting in my work on the panels was that I was evaluating students from fourth year honour students, at the very beginning of their fourth year, right through to people in the mid-doctoral range. This program can support all of those people. It was actually quite easy to rank people highly from across that range. So that worked very well.

I also like the way it is distributed across disciplines equally. As a humanities person, of course, I have strong feelings about that. Also, across universities it's very carefully calibrated so that there is support through the regions for students from different universities, so you don't just get the main focus on the big urban areas. Again, coming from Windsor, I certainly see the advantage of that. From my own department we have sent some extremely fine students, I would say the best two in 20 years, over the last two years out on Ontario graduate scholarships.

Another advantage of the program, I think, is that the system of assessment is very fair. You have a balance of the departmental ranking and the faculty recommendations, which are from people who know the students quite well. That's balanced against the set-up of what is effectively—I won't call it a blind committee—a committee that's working independently to establish ranking so you have the right combination of knowledge and impartiality in assessing the students. It's a system that essentially works very, very well.

I can't really speak to weaknesses because I don't have any experience on the board, obviously, but I would certainly put in a plug at this point for increased funding. The funding structure has not changed effectively in nine years and expenses, both cost-of-living and tuition, have definitely changed. So it seems to me that the program does need to be made a bit more competitive.

1010

**Mr Crozier:** It's a pity we don't have more time, because you've hit on a couple of issues that we'd like to expand on. My colleague Mrs Dombrowsky has some questions too.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Thank you, Dr Quinsey, for being here this morning to address our questions. There has been a strong emphasis in recent government funding announcements in the area of science and technology. I am sure you are aware that, for example, 75% of the recent SuperBuild fund awards have been in that area. I was wondering if you would be able to comment on that pattern.

**Dr Quinsey:** How long do you have?

**Mr Crozier:** You can take as much time as that guy will give you.

**Dr Quinsey:** I could comment quite emphatically, but I will keep it fairly brief. As I said earlier, one of the advantages of the OGS program is that it does address a range of disciplines equally and I think that is extremely important today. Also, there are two kinds of student. I

come from a department which has a terminal MA program; only 15% of our students go on to the doctorate. Many of them go into a wide range of other careers.

Actually, if I were to go around the room today and ask what the educational background of each person was, I would be prepared to bet that the majority were in humanities, because if you were in sciences you would probably be working in a much narrower range of fields. Humanities graduates are enormously versatile, and our employment records, which we keep very careful track of in our department, show that. We are also training students in computing in the humanities and in publishing, and part of our departmental mission is to combine cutting-edge academics with the actual applied skills. We don't shrink from that at all. Where humanities disciplines are going in their actual cutting-edge work is out of the ivory tower. That is really changing in this day and age. If funding is cut back, you don't get faculty who are on top of that, as the new faculty are, and you don't get the support for that kind of development both in terms of curriculum and in terms of research.

That's generally about humanities funding. Obviously, the OGS program is about training investment in the brightest. Some will probably address this point, but I'll raise it now. We are in the midst, of course, of a faculty hiring crisis, and we want the best and the brightest out there. Those are the people who will be developing the new face of academia and the new face of humanities in the 21st century, if you'll forgive the expression.

**Mr Crozier:** How much time do we have?

**The Chair:** You still have time. You have until 18 minutes after.

**Mr Crozier:** You mentioned that we're reaching an academic crisis. Obviously you're more familiar with the University of Windsor—sorry, did you have another question?

**Mrs Dombrowsky:** No, it's OK. Go ahead.

**Mr Crozier:** Can you give us some idea of what that crisis is? There is going to be a shortage and that's going to have an effect on availability of the students and the graduates.

**Dr Quinsey:** Certainly we're looking at a vastly increased enrolment. It may not be equally across the various regions. In terms of loss of faculty, very much so. We have certainly been cut by one third over the 1990s. I came to a department of 22 people; we are now at 14. We are in the process of hiring new people to make up that complement. If you have very good people you can do a very good program, but it does limit what you can do otherwise. So there is definitely a crisis, because we are very typical of not only arts departments but also science departments, especially in the core academic sciences such as physics, chemistry and biology. Computer science obviously has had special support so I don't include it in this comment.

**Mrs Dombrowsky:** If I could perhaps return to the conversation we were having about the focus, I certainly appreciate your comments about the importance of humanities, as a student of the humanities myself. I am



curious to understand, with regard to the program that you participate in, is there any pressure to consider other regimens more than the humanities? Have you received a sense that it is not as important to continue to nurture and encourage students or graduates in the area of the humanities?

**Dr Quinsey:** Do you mean at the university level or in the culture at large?

**Mrs Dombrowsky:** Well, let's say at the university level.

**Dr Quinsey:** The university level is interesting because Windsor does have a strong tradition in the humanities. The English department has been extremely well regarded. We have a nationally known creative writing program and also a very strong academic program, so we haven't really felt that as a department. I think overall there has been a tendency to follow the more publicly perceived line of supporting certainly automotive research and engineering, which I think is in itself valuable given our location, but it should not be done at the expense of the humanities. That is an ongoing debate. I don't know if that's answering your question.

**Mrs Dombrowsky:** Actually, it's very encouraging to hear you and to understand that there would be someone with your perspective sitting on this board.

**Dr Quinsey:** I think it is very important to have spokespeople. Our dean has been an extremely strong spokesperson. That makes all the difference, really.

**Mr Gilles Bisson (Timmins-James Bay):** Thank you very much, Katherine, for coming here this morning. I want to say at the outset that we support your candidacy. I think it's fairly apparent, given your background, your experience and your commitment to this particular endeavour, that you'll do a fine job for the people of Ontario who apply. I want to say upfront that we support this.

I just have one little question. I should know the answer to this, but I want to ask it anyway. Where does the funding actually come from? I know this is \$14 million a year that's given by way of bursaries to students. Is it provincial dollars, or is that gotten from various contributors outside the—

**Dr Quinsey:** I think the committee probably knows that better than I do. I believe it's provincial dollars.

**Mr Bisson:** Maybe the researcher, Mr Pond—because I was looking through the document. It doesn't say where the money comes from.

**Mr David Pond:** For the OGS?

**Mr Bisson:** Yes.

**Mr Pond:** From the ministry.

**Mr Bisson:** It's \$14.5 million, roughly?

**Mr Pond:** Yes.

**Mr Bisson:** Okay. And that's in addition, obviously, to other programs that are out there.

I heard you make a comment earlier to one of the opposition members in regard to trying to promote the best and the brightest. I understand what you mean by that. I'm not going to take you to task, but I would remind you there are a lot of people in our secondary system who

sometimes don't have the highest grade and end up being the best graduates. We always have to remember that it's not necessarily the grade at the end of high school that determines who is going to be the best contributor to society in the long run. If we had that goal, two thirds of the Tory caucus would never have made it because I'm sure, as in our caucus, a number of people didn't have the top grades when they went to school, with the exception of Mrs Mushinski. We know she's the brightest light over there.

I want to thank you very much for coming forward.

**Dr Quinsey:** I could certainly speak to that if you are framing it as a question, because my own opinion is extremely similar.

**Mr Bisson:** I meant to wake up Mrs Mushinski this morning.

**Dr Quinsey:** I would like to address that, because that's actually part of the assessment process of the OGS. If it were done simply in terms of grade point average, there would be no need for panels; you would do a straight mathematical figuring. But most of my work is involved in qualitative assessment, so that someone might not necessarily have the highest grade point average but there have been extenuating circumstances or whatever.

There's another thing, and someone else may ask this. I'm quite interested at the board level in looking at the distribution across gender lines and other issues that I understand the board has looked at in the past: how the whole process works out in terms of the diversity of people who are given awards.

**Mr Bisson:** I just have a question. If you don't have the answer—

**Dr Quinsey:** Probably not.

**Mr Bisson:** You raised another issue. Maybe the researcher, Mr Pond—I assume that when these types of dollars are made available for bursaries, there is this criterion of trying to make sure that you capture different parts of the province and capture gender lines. Are there criteria like that, do you know?

**Dr Quinsey:** Yes, there is a formula for that.

**Mr Bisson:** That's what I thought.

**Dr Quinsey:** Universities that have not received that many awards will be given an advantage in the selection round.

**Mr Bisson:** That's what I thought. Okay.

**The Chair:** We go to the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** If I may, then, have some of the government caucus time to ask a question?

**Mr Bisson:** No, you're the Chair.

**The Chair:** I can't exercise as the Chair?

**Mr Wood:** Not on our time.

**The Chair:** Well, I'll exercise on other time, if there's no objection. I just had a question that would help us from—remember last week? Look, there's no press here; you're not scoring any political points here.

**Mr Bisson:** Chair, if you want, there's time in the NDP caucus. We'll give you the time.

**The Chair:** Thank you very much.

I mentioned last week to a similar appointee that one of the great advantages for all of us is we learn an awful lot about the various agencies to which people are appointed when you come forward. It isn't always people simply looking to find something wrong with the intended appointee. The individual who was with us last week mentioned perhaps an improvement that could be made in the program. I'm trying to recall what it was. Maybe somebody who was here will help me out with this. That was that you have to apply each year, that there's not some continuity or certainty. That person's recommendation was that the continuity or the certainty of a multi-year scholarship would be an advantage. Would you comment on that?

**Dr Quinsey:** I actually read the Hansard account from last week, so I'm familiar with her comments. It's on the Web.

I think there are different needs for different students. There's certainly a case for that with the PhD students because that is a large commitment, so multi-year funding is clearly very appropriate for them. It might be less appropriate for the master's students unless they are very much in a two-year program. That is something that the board could certainly look at. Definitely, applying every year is a bit of an administrative headache for the student and also there is the lack of certainty around funding. Students also find various reasons for not applying or feeling they're ineligible.

Another thing I'd like to see addressed is possibly the eligibility issue. I know we had a very, very bright student this year who did not apply for a second year of funding because she thought she was going to finish partway through the year. We told her, as faculty, "You should apply even if you turn down the award, because it's there on your CV forever." There's all this kind of informational thing that needs to be worked out with students, but certainly multi-year funding is something that the board should look at.

**The Chair:** Thank you very much. As I say, for members of the committee, because we do change in complexion in the committee from time to time, one of the things again we learn from intended appointees is, are there potential changes that could be helpful? I know that at the Ministry of Training, Colleges and Universities they are probably reading these Hansards and also noting that, and perhaps as a result of the appearance of you and previous applicants before the committee, they may take into consideration the possibility of some positive changes to many of the programs. So I thank you very much for that particular comment.

**Mr Crozier:** Chair, I would like to jump in and take the opportunity that we move that we concur with the appointment of Dr Quinsey.

**The Chair:** I know that's not parochial at all.

First of all, I have to say thank you very much for appearing before the committee. We enjoyed having you here and we wish you well.

**Dr Quinsey:** Thank you.

**The Chair:** And now, Mr Crozier, would you like to—

**Mr Crozier:** I would just move that we concur with the appointment of Dr Quinsey to the Ontario Graduate Scholarship Selection Board.

**The Chair:** Any comment, debate? If not, I'll put the motion. All in favour? Opposed? The motion is carried. Thank you very much.

**Mr Bisson:** For the record, it was unanimous.

**The Chair:** Yes, for the record it is always nice to note that it was a unanimous vote of the committee.

Any other business to come before the committee? If not, I will entertain a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** I can always count on Mr Wood for a motion. Thank you, Mr Wood. All in favour? Motion carried.

*The committee adjourned at 1024.*





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# Official Report of Debates (Hansard)

Wednesday 3 May 2000

# Journal des débats (Hansard)

Mercredi 3 mai 2000

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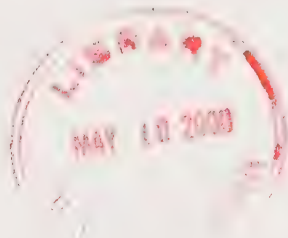
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 3 May 2000

Mercredi 3 mai 2000

*The committee met at 1030 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** The three parties are represented here today. I'm going to call the meeting to order. Our first item of business is the report of the subcommittee on committee business dated Thursday, April 27:

"Your subcommittee considered on Thursday, April 27, 2000, the selection of intended appointments for committee review, and has agreed to recommend: that the following intended appointees from the certificate received on April 20, 2000, be selected for review:" In all three cases—opposition, third party and government—there were no selections.

Would someone like to move that report?

**Mr Bob Wood (London West):** So moved.

**The Chair:** Mr Wood moves the report. Any discussion?

If not, all in favour? Opposed, if any? The motion is carried.

## INTENDED APPOINTMENTS

## STEPHEN RAYMOND

Review of intended appointment, selected by official opposition party: Stephen Raymond, intended appointee as vice-chair, Ontario Labour Relations Board.

**The Chair:** Under appointments review, we will be beginning our half-hour review of intended appointments as follows. From the certificate received on April 12, 2000, the first person at 10:30 am will be Stephen Raymond. Mr Raymond, would you come forward please. Mr Raymond is an intended appointee as vice-chair of the Ontario Labour Relations Board.

I would say, first of all, Mr Raymond, that our procedure is that if you wish to make an initial statement, you're most welcome to do so. We welcome you to the committee today.

**Mr Stephen Raymond:** Thank you, Mr Chair. Good morning, members. Thank you for the opportunity to appear before you to speak about my intended appointment as a vice-chair of the Ontario Labour Relations Board. I'm aware that you have a copy of my resumé, but I'd like to spend a few moments providing some further

information and highlighting some aspects that I think make me well-suited to assume this role.

Before I do that, I'd be terribly remiss if I did not thank a couple of people who have come to support me here today. First of all, Mr Rick MacDowell, chair of the Ontario Labour Relations Board, is here. I appreciate his support and his taking time out of his very busy work at the Ontario Labour Relations Board to be with me here today. As well, behind him is my wife, Natasha vanden-Hoven, the most important person in my life. Her support is very much appreciated. I'm very glad she could take time out of her busy work life to be with me here today.

I was born and raised in the city of Toronto, the fourth of five sons. My father is an Anglican minister who worked most of his career in the national office of that church as the director of program. My mother was a university professor and then stayed at home to be the primary caregiver to her children. She later was a school trustee and eventually chair of the Etobicoke Board of Education. They are now both retired and enjoying their retirement quite a bit. I learned from them the importance of community and the importance of public service. I think in large part I owe to my parents my interest in joining the public service.

My education was in Etobicoke's public schools and then I went to the University of Western Ontario where I pursued a degree in political science, and then the University of Western Ontario for my bachelor of laws. While I was in law school I determined I wanted to go into the practice of law and that I would like to be an advocate. I learned during the second year that labour law was an area with a great deal of advocacy and that the subject matter was more often dealing with people than with things. I've always enjoyed people more than things, so I pursued a summer job opportunity.

I was very fortunate to be offered a position by Hicks Morley Hamilton Stewart Storie, then and now the largest firm in the country specializing in labour and employment law. Following that summer, I was asked to be an articling student with the firm and hired as an associate in 1991. In January 1997, I had the privilege to be made a partner of the firm. All of my legal work has been as a labour and employment lawyer. I have appeared on numerous occasions before the Ontario Labour Relations Board, the courts, interests and rights arbitrators and boards, the Workplace Safety and



Insurance Board, the Workplace Safety Insurance Appeals Tribunal and coroner's courts.

Specifically, at the Ontario Labour Relations Board, I have appeared on cases dealing with most of the major subject areas that that board concerns itself with: certifications, terminations, unfair labour practices, sale of the business, related employer, unfair representation complaints, health and safety and employment standards appeals. I believe I have the necessary background and expertise to assume this role.

Just on a further personal note, I still live in the city of Toronto. I am married, as I indicated, with one child, an 18-month-old boy named Clarke, who is the light and joy of my life and my wife's life. I look forward to your questions and thank you for your attention.

I understand from Mr MacDowell that he is prepared as well, if the committee wishes, to answer any questions you may have that relate directly to the board itself.

**The Chair:** Thank you very much. I'll begin with the official opposition.

**Mr Bruce Crozier (Essex):** Good morning, Mr Raymond. Welcome to the committee, and thank you for taking your time to come and appear before the committee.

As you've outlined, and then in the information that was given to us, we certainly believe you're eminently qualified for this position and we'll support it. But this hearing this morning gives us an opportunity, as you've pointed out, to ask some questions on how the board functions and how you see your role with the board.

For example, did you apply for this position? You mentioned civil service and so forth. Did you apply for this?

**Mr Raymond:** As a member of the labour relations bar, one becomes familiar with the Ontario Labour Relations Board, and I was generally aware that there were a number of people who were at the board. I think there are approximately 15 full-time vice-chairs. Last spring, I think it was, there were five new appointees to the board, but since that time a number of people had left the board, so I was vaguely aware they might be looking for someone. As a result, I contacted the chair of the board, Mr MacDowell, and expressed my interest in discussing with him the possibility of joining the board. He welcomed that and we then met on a number of occasions. That was the beginning of the process. So there was no request in a newspaper that I was responding to. I was just sort of loosely aware that they might be looking, so I expressed an interest to Mr MacDowell and he took it from there.

**Mr Crozier:** Sure. It's been outlined in your background that you've advised and represented employers. Of course the board, as I understand it, has both labour and management appointees to the board, and generally its hearings are held by three members of the board. Are you identified specifically as a management vice-chair of the board?

**Mr Raymond:** No. The role I will take up will be the neutral person. Some of the board hearings are tripartite

with a representative from management and a representative from the trade union. Some of the hearings are solo vice-chair, acting as vice-chair by himself. I will be assuming the role of the neutral person, the unbiased person, hearing the facts, assessing the facts, applying and interpreting the law and making a decision.

Just for your reference, I understand from the chair that almost all of the current vice-chairs at the Ontario Labour Relations Board came from either the management or the union side prior to joining the board, and they all are now operating as neutral, unbiased people adjudicating matters.

**Mr Crozier:** Great. You've answered what would have been my next question. It is about the neutral member of the board as well. From a layman's point of view, in many cases it must be very difficult to be neutral, because that essentially is, I suppose, what it takes when two parties get to the point where they can't seem to get anything settled.

For my information, does the board intervene, or is the board always invited to review a situation and rule on it, or is there a mechanism by which it reaches the board?

**Mr Raymond:** Since I'm not there, I don't know the answer to that entirely, so I'll look for a nod from the chair if I get this wrong.

**The Chair:** I just point out that all you can have is a nod from the chair, because the standing rules do not permit anyone else to answer questions, but it's fine to get a nod from the chair.

1040

**Mr Raymond:** My understanding is that all the matters that come before the board are initiated by one party or the other starting an application or a complaint or an appeal. So in each and every case, as I understand it, one party or the other would initiate a process which would then involve the Ontario Labour Relations Board in trying to assist those parties in solving their problem. That's what I see is my role, as a neutral. Two parties are coming before me. They haven't been able to solve this problem and I'm there to help them solve it, if necessary in a formal, legal way, and if possible, not in a formal, legal way, because they have an ongoing relationship that is their relationship and I'm just there to help them at a particular difficult point in that relationship.

**Mr Crozier:** I certainly wish I could put you to work today. You and I could jump in a car and go down and settle the dispute on the Pelee Island ferry in my riding, but we'll see how that goes.

This would be, as is pointed out, a full-time position. It's like a five-days-a-week, eight-hours-a-day kind of thing. In other words, you wouldn't carry on your legal practice along with this position, is that correct?

**Mr Raymond:** No, I would not carry on a legal practice as a full-time position. If my appointment is confirmed, then I would be resigning from the partnership I'm presently a member of.

**Mr Crozier:** Mr Raymond, we wish you well. In a perfect world, I would wish that you have absolutely



nothing to do, but we aren't in that perfect world so I certainly wish you success on the board.

**Mr Raymond:** Thank you, sir, I appreciate that.

**The Chair:** Ms Dombrowsky, do you have any questions?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Not at this time.

**The Chair:** I'll move to the third party.

**Mr Tony Martin (Sault Ste Marie):** You're aware, I'm sure, that the role you will take on if you're given this appointment is to act as an arbitrator and to interpret, to some significant degree, some of the laws that are on the books where labour relations are concerned. There have been a significant number of changes over the last five or six years to various pieces of the Labour Relations Act and I'm wondering if you know of these, understand them, and how you see them either contributing to or taking away from the level playing field or fairness that needs to be in this area if all parties concerned are going to get a fair deal.

**Mr Raymond:** Thank you for the question. In my first five years of practice I was faced with three different labour relations acts. I first had the one that had been in place and was in place under the Liberal government; then the New Democratic government made significant changes to that piece of legislation and that was a significantly different act; then the Conservative government, when it came to power, made significant changes again. So in those first five years I faced three different labour relations acts and I think I understood them well. I understood what policy was behind those various governments in terms of what they were trying to do with the Labour Relations Act, so I think I understood them.

In terms of contributing to the level playing field, I see the role of vice-chair as one who is going to deal with a specific problem that's brought to them on a specific day by specific parties. I don't see the role of vice-chair as somebody who sets policy. I think the Legislature sets policy. The Legislature enacts the legislation to determine what the law is going to be and then it's the role and the function of the labour board to interpret and apply that law, whatever it might be.

If I'm at the Ontario Labour Relations Board, I will of course try to do that in as fair, equitable, reasonable and sensible way for the parties as possible. But I recognize that we're not the ones making the law. The Legislature makes the law. The Legislature determines the policy. We're there to interpret the law as it's given to us and to apply it to a particular fact situation that we are faced with.

**Mr Martin:** I understand all that. I guess I'm trying to get a handle, before I'm called today to make a decision on whether or not I can stand behind your approval, on where it is you stand on some of the changes that have happened in the Labour Relations Act over the last three or four years.

**Mr Raymond:** I think, as a neutral and someone who hopes to assume that role, that my personal views of those changes aren't important. What I want to do and

what I would hope to do in the role is take the law as it exists on whatever day I am faced with it, interpret it and apply it to the facts and attempt to do that in a way that, to me, makes sense for the parties. I very much believe in the relationship between trade unions and employers. It's their relationship and something they have to manage, but when they come to the board, we would be there to help them in that relationship and I'd want to continue to help them in that relationship. My personal views on the legislative changes brought by the Conservative government or the NDP government or the Liberal government before that aren't things that I would be considering when I was faced with a specific question.

**Mr Martin:** Certainly from my perspective it will colour your interpretation. We all come to the jobs that we do from a set of circumstances, a background where we've been surrounded by certain people and are usually somewhat fixed in terms of what it is we want to accomplish in attaining certain positions and roles. When I went before the electorate in Sault Ste Marie, they knew I was a New Democrat, they knew of my involvement in the community in a lot of social justice types of things and they knew of my personal life, because that happens when you get into public office.

This is an appointment that will have significant ramifications on where we go as a province where labour relations are concerned. I, for one, anyway, around this table, would be more satisfied if you were a bit more forthcoming in terms of what your position is or was re some of the changes that have happened to the Labour Relations Act over the last few years, particularly given the fact—and maybe you can respond to this; I'm not sure—that most of your previous activity was on behalf of employers. Have you done any work at all on behalf of employees before the board?

**Mr Raymond:** No. My work has been exclusively on behalf of employers. The labour relations bar, among those who are regularly practising labour relations, is almost entirely split. You're either someone who represents trade unions and employees or you're someone who represents employers. So while there are large firms such as the one I come from that represent employers, there are large firms that represent trade unions and large firms that represent employees. As a young person moving into this field, you're forced to make a choice as to which side you're going to work on. I made the choice because I was given the opportunity to work in what I understood to be one of the most prestigious firms in the country in this area and I wanted to get that experience.

You can't come out of law school and apply to be a neutral, unbiased person somewhere. Everybody who moves into this role moves there from somewhere. In the most recent appointees, we had a partner from a union-side firm who was appointed by this government and I don't think people have raised any concern that he can't treat employers fairly. If, at the end of the day, I'm appointed by this government, I'd hope that there wouldn't be any concern that I'd treat trade unions fairly.



There are trade union counsel I've known for years who have called to congratulate me on my intended appointment and indicated that they thought I would make a good vice-chair and they were looking forward to appearing in front of me. In the community, it's understood that there's a split between the management side and the union side and that we are all representing our clients' views and our clients' interests, whatever our own may be, and that's the job we're asked to do.

1050

You won't find many people coming to the labour board who have represented both employers and employees; usually they have just represented one or the other. But when we go there we have to do the job of dealing with the particular facts on the particular day and interpreting the laws that may exist on that day.

**Mr Martin:** So you're not going to share with us, then, your view or opinion on the changes that have happened over the last four or five years.

Have you been or are you now a member of the Progressive Conservative Party in Ontario?

**Mr Raymond:** I have never been a member of any political party, including the Progressive Conservative Party of Ontario.

**Mr Martin:** Thank you.

**The Chair:** The government party?

**Mr Wood:** We'll waive our time.

**The Chair:** It appears that all of the questions have been asked from the members who wish to ask them, so I thank you very much for appearing before the committee.

**Mr Raymond:** Thank you very much, Mr Chairman.

#### HUGH NICHOL

Review of intended appointment, selected by the official opposition party: Hugh Nichol, intended appointee as member, board of directors, Ontario Lottery Corp/Ontario Casino Corp.

**The Chair:** The next intended appointee is Mr Hugh W. Nichol. This is scheduled for 11 am. Mr Nichol is here, so with his permission we'll have him come forward at this time.

I will first of all indicate to you, as I did previously, that you are welcome to make an initial statement, should you wish to do so, sir.

**Mr Hugh Nichol:** Yes, I would. Thank you.

First of all, I would like to thank the committee for asking me down here this morning to meet with you. I know you have my resumé, but I would like to take a few moments and just expand upon my educational, business and personal background to establish my credentials in terms of qualifications and experience to serve as a public appointee.

I was born and raised in Haliburton and I was educated in Haliburton. I then attended Wilfrid Laurier University in Waterloo and obtained a bachelor of business administration degree. I later articulated in Ottawa with a firm that was then called Deloitte Haskins and Sells. It was considered one of the big eight firms. I

understand now they are down to the big four or five firms. At that time I obtained my CA designation, chartered accountancy. While articling in Ottawa I obtained extensive exposure to audit work on crown corporations, the federal government, large international firms and of course some medium and small firms in the Ottawa area.

After tenure there with Deloitte, I moved home to Haliburton and worked in a public practice, and I'm now a partner in a public practice in the Haliburton area. Through that involvement I have gained extensive experience in dealing with small and medium-sized businesses, extensive experience in dealing with municipalities and boards of education, understanding how grants and government funding works very well with that. One of the great joys of my practice is being able to meet with individuals on a daily basis, and I've come to gain extensive knowledge and information in dealing with personal and individual taxation.

One of the great highlights of my life is really more on the personal basis. I am married to my wife, Stephanie, and I have two young boys, Curtis and Tom, who are aged 8 and 6. Through their support and my business background, I have been actively involved in many community and charitable activities. I am a member and past president of the Haliburton Rotary Club. What I think I have enjoyed most of all is that I have been a member of the Haliburton Highlands Health Services Corp, which is the health board, for six years. Of that, I was chair for three years.

I would like to expand upon that, because when I first became chair of the health services board in Haliburton, it was the first year that our region actually had a health board. Before then, we were under a department, as you would say, of St Joseph's General Hospital in Peterborough, which is an hour and 15 minutes away from our region. As chair, we had to establish the governance of our health services board and operate the health facilities. One of the main things we were trying to do was undertake a capital project of up to \$20 million to renovate the acute care hospital to build and add new long-term-care facilities in our region.

Also, as part of that, while I was being chair of the health services board, we did not have a foundation. Through our support, my support and the health board's support, we created a Haliburton Highlands Health Services Foundation.

I'd like to talk briefly about this. In our region there's a very small population base, low income, and our mandate on our health project was to raise \$5.5 million on a local share. I'm really proud to say that through our efforts and many people's efforts, our region has raised over \$3 million out of the \$5.5 million in two years. I enjoyed very much being on the health board and the experience that came with it. I feel these attributes will be most beneficial in serving on a corporation whose mandate, as I see it, should help promote business and tourist opportunities in a socially safe and responsible manner for the people of Ontario.



**The Chair:** Thank you very much. We'll begin with the New Democratic Party, the third party.

**Mr Martin:** This is an organization, of course, that has grown in leaps and bounds over the last few years in Ontario, and is more and more playing a very critical and significant role in the revenue generation of the province so that we have the dollars we need to pay for some of the things government delivers, given that government has given away a lot of the money they get by way of the tax system.

However, my concern is the role of the lottery corporation above and beyond that and the potential it has to be other things in the province besides just a source of revenue. You mentioned tourist attraction and bringing people in. At one point the government of Ontario decided it was a vehicle that could be used as well to stimulate economic development in an area, and the headquarters was moved to Sault Ste Marie. It was a good decision and it was ratified by the Bob Rae government that came into power in 1990 and it went ahead.

There was a beautiful building put up to house it and it was indeed doing all the things that it was expected would happen. There was spin-off activity and there was a ticket plant put up. The goods and services that were purchased from the region were significant. But now, under the leadership of the present government and the new chair—by the way, I don't see him here. Does that mean he's not supporting you in your request, your application?

**Mr Nichol:** I would suppose you'd have to ask him yourself directly.

**Mr Martin:** In view of the decision that was made by the Liberal government of David Peterson and then ratified by the New Democrat government of Bob Rae to place the headquarters of the lottery corporation in Sault Ste Marie to assist in the diversification of the economy of that area, and now the reversal of that decision, what would your position be on that and what would your opinion be on that kind of thing re the lottery corporation?

**Mr Nichol:** Just to paraphrase, you're asking me, what is my position on the fact that the lottery corporation used to have its headquarters in Sault Ste Marie and they intend to move it back towards Toronto?

**Mr Martin:** It's already moved, with the amalgamation of the casino corporation and the lottery corporation—I guess your view on using a vehicle like the lottery corporation as a stimulant to diversify an economy of a particular region. Is there justification in that?

**Mr Nichol:** I'll leave that first part. I really feel that in my experience in what I've seen and talking to a lot of individuals, there's a lot of disposable income out there and people are going to attend casinos, whether they're in Ontario or in some of the border states of the US. I think there are opportunities for economic development, but I think those decisions have to be made as very sound business decisions. I don't think you should put a casino

necessarily in Haliburton because I think it would be great for Haliburton. There isn't a population base there.

I think, and I said in my statement, that there are opportunities for business and tourist attractions, and I think that's going to happen because people have income. In some cases they enjoy going to casinos or lottery corporations or things like that, for many reasons. I'd like to see it done on as responsible and safe a basis as we can. But where they are specifically located should be made on sound business decisions.

1100

**Mr Martin:** I agree with you there, but the question actually was about the headquarters of the whole corporation and its location. There was a decision made to move it out of the Toronto area into a part of the province that was struggling to diversify its economy and stimulate an economy that's still struggling. That decision was proven to be a correct decision in that in moving the lottery corporation headquarters to Sault Ste Marie it continued to generate significantly improved profit year over year every year it was there. There are a lot of people in my community who are very upset with the decision to move that headquarters back to Toronto, where it just becomes another corporation and doesn't have the potential to stimulate the kind of positive economic change that it did in our region of the province. What would your view of that kind of activity be?

**Mr Nichol:** I wasn't involved with the business decision of relocating the lottery corporation headquarters, but coming from an area that has low income, is heavily dependent on tourism, has some lumbering, I can empathize with your position and I can empathize with the people of Sault Ste Marie. It's very difficult to diversify your economy. I have sympathy for it, but I was not involved with the business decision and I was not involved with all the background information. In the long run you have to make decisions that are best on a business basis, but you have to take into account whenever you can these other factors you're talking about. I have empathy, but I wasn't a participant in those decisions.

**Mr Martin:** As long as you have empathy and you understand why it was done.

**Mr Nichol:** I come from a region that has the lowest income per capita probably in the province, the lowest number of people who have post-secondary education per capita. I have a lot of empathy for that. But I also know and I've seen, and we all have, that if you make business decisions, and continue to pour government grants and funding into those that have no long-term business rationale, they won't survive. I'm not sure that's best in the long term.

**Mr Joseph Spina (Brampton Centre):** Thank you, Mr Nichol, for bringing your name forward for this. Your background is fundamentally accounting. What area of accounting were you in? I realize you are in public practice.

**Mr Nichol:** Public practice, I describe to people, is in many regards like being a GP for a medical doctor:



You're a jack of all trades. I do a lot of financial statements, estate planning, tax returns for individuals and corporations. I do some audit work on the municipal side. I'm a generalist. I'm not a tax specialist, and I don't deal in specialities in mergers and acquisitions. I have a business degree and a CA designation.

**Mr Spina:** Do you feel, then, that your role on the board could contribute substantially towards the financial decision-making process of the corporation, if and when you get that opportunity?

**Mr Nichol:** If and when I get that opportunity, I feel I have the background. I am very good at concepts, and I'm very good at relating concepts with financial numbers. The numbers are large, huge, but the concepts are always the same: You must make sound business decisions. I represent an area of Ontario that maybe doesn't have a lot of representation in something like this. I do feel I can add to it and be cognizant of other factors and the impact that some of the decisions we make will have on rural Ontario and smaller communities.

**Mr Spina:** Thank you, Mr Nichol. I wish you well.

**The Chair:** Any further questions from the government caucus?

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** I will move to the official opposition.

**Mrs Dombrowsky:** I would like to indicate to Mr Nichol that we appreciate your coming and answering our questions this morning. I read with some interest the resumé that was provided to us and listened as you expanded upon that. When I read the responsibilities of the position for which you are intended, it indicated, "Board members will play a vital role in: strategic planning, establishment of good management practices" and would demonstrate "a thorough knowledge and understanding of the casino and gaming industry and best industry practices and standards." I really don't see anything in your resumé that would indicate that you have had any connection or experience with the casino and gaming industry, and I was wondering if you might be able to expand upon that for us this morning, please.

**Mr Nichol:** I believe you have read the resumé correctly. I do not have an extensive background or a background in casino and lottery corporations. I do have a sound background in business and business fundamentals. A board of directors is made up of, hopefully, not 12 accountants or 12 people who are in marketing. I'm going to be part of a team and sit on a board of directors. My background will be in business. They will obviously, or hopefully, have an audit committee. I hope to see myself being part of the audit committee and bringing my background to this industry. I know from my own personal experience that I'm a quick learner and can understand concepts really well.

**Mrs Dombrowsky:** I thank you very much for your honesty in that regard, because it was something I was looking for, I must say, with this type of an appointment. I am a member from a rural riding and in my riding I hear from constituents around, usually, issues relating to lottery regulations. There are very small communities in

my riding that would very much appreciate the opportunity to participate in making available lottery tickets to people in their community. However, they are not able to meet an expectation in terms of dollars sold on a monthly basis.

You did indicate in your comments that you believe the lottery corporation should be instrumental in communities to promote business and tourist opportunities. I'm sure you can appreciate—you've indicated that Haliburton is a rural community as well—that these small hamlets in my riding, like Eldorado and Ivanhoe, have a lot of traffic in the summer, so they can meet those dollar sales expectations on a seasonal basis, but in the months of December, January and February it is certainly a challenge and so the opportunity for them to provide this service within their community has been taken away or has been denied.

I was just wondering what your position would be. Would you, in your role on the board, be open to some flexibility that would open up and provide for small rural communities better access for their people so that they don't have to drive 20 and 30 miles to buy lottery tickets? Because they live in a small town that can't sell \$400 or \$250 worth of lottery tickets in December or January, for example, their community does not have access to the tickets. I'd really like to understand what your position on that would be.

**Mr Nichol:** Obviously I don't know all of the detailed policies and practices of the lottery corporation and its business decisions. But I was expecting—and perhaps this is a good opportunity—a member to ask, "What would you bring to the table and why would you want to sit on it?"

A board of directors represents the shareholders, and the shareholders in this case are the people of Ontario. I'm from a rural small town like yourself who represents or sits in an area like that. I think I have enough confidence in myself to be vocal enough that if the opportunity came along, I would at least push for it because I come from a small area and I feel I'm going to represent rural Ontario. Nothing may change, but at least as opportunities come along—as you say, the summer traffic is higher. You're right, December, January and February are not good months. I haven't seen the data on what it takes to sustain the lottery corporation's ticket sales but I think that's one of the things I bring to the table. I do represent rural Ontario in this matter and I have a good background in terms of business and my accountancy. I know how difficult it is for small businesses to survive in a rural area. I have a lot of empathy for that. As long as it makes sense I'd at least like to bring that discussion, if that opportunity came up, to the table.

1110

**Mrs Dombrowsky:** I appreciate that very much. Thank you. I would also ask if you have any political affiliations.



**Mr Nichol:** No, I do not. Specifically when you're asking about political affiliation—am I a member of a political party?

**Mrs Dombrowsky:** Yes.

**Mr Nichol:** No, I'm not.

**The Chair:** Any further questions from the official opposition?

**Mrs Dombrowsky:** That would conclude my line of questioning.

**The Chair:** Mr Crozier, there's a brief supplementary that the NDP member wishes to ask. Does anybody here object to him asking this?

*Interjection.*

**The Chair:** Did you want to ask it of the person? It has to be with permission.

**Mr Martin:** I'll let the official opposition go, and then I'll—

**Mr Crozier:** Just a quick question. Did you apply for the position?

**Mr Nichol:** No sir, I did not. How it came about is, I had been on the health board for six years, three years as chair. I enjoyed very much the challenges that went with it. Last summer at a barbecue I had the opportunity to talk to our member of Parliament and said that if an opportunity came up to sit on a committee that could use my type of background, that obviously being in the business and finance area, I would like the opportunity to at least apply for it and see if I could get such a position. I enjoy the challenge and the personal growth that comes with it.

In January of this year, I was asked if I would be interested in sitting on the Ontario Lottery Corp and the gaming commission.

**Mr Crozier:** What was the barbecue that you attended?

**Mr Nichol:** It was a fundraiser for the Haliburton Highlands Health Services Foundation.

**Mr Crozier:** OK.

**The Chair:** Any objection to Mr Martin—

*Interjections.*

**The Chair:** Mr Kells says it's OK. It looks like everybody's agreed.

**Mr Martin:** Mr Kells, I appreciate it that if the Chair was actually over here and able to ask a question, it would probably be something like this: The growth of the gaming industry in the province has been quite dramatic over the last short while, even to the point where we're now seeing racetracks that were simply supposed to have slot machines turning into full-fledged casino operations without the attendant local referendum that was proposed by the government or supposed to be in place as a prerequisite to a casino going into any community. What's your view on the proliferation of gaming operations in the province and the seemingly growing dependence of government on the revenues that are generated by such?

**Mr Nichol:** It seems to be a two-part question. I think the second part—

**Mr Morley Kells (Etobicoke-Lakeshore):** You're only allowed one.

**The Chair:** It was one, with two parts.

**Mr Kells:** Oh, I see.

**Mr Nichol:** The second part, about the government's growing dependence on lottery revenues—I'll leave that to the political side to answer. I think it's the mandate of all governments to responsibly collect taxes and spend them in a responsible manner. I'm not part of that process; I'll leave that.

I said in my opening remarks that this type of industry is growing very quickly. I have clientele who would shock you, the people that go to casinos, and it's an hour and fifteen minutes away. They enjoy it. They talk about how they enjoy doing it. It's going to happen. I'd like to see Ontario be part of the process. I said it should be done in a responsible manner that best represents all the people of Ontario.

As for slot machines at racetracks, why do people go to racetracks in the first place? Is it because they like horses or because they like to gamble? So on a personal basis I see that the two make sense, from a business point of view. People go to racetracks, Woodbine or whatever, across the province, because they like to place bets on horse racing. Is it because they like horse racing or do they just like to place the bets? I don't know. But that industry is going to continue to grow. It seems to me that's a natural place for it to grow. If you're going to go to horse racing to place bets, I don't see that as a huge conflict of interest.

**The Chair:** Thank you very much for permitting Mr Martin to have that question. His reference, by the way, Mr Nichol, is to the Chair of this committee. If you will remember Mr Drainville's opinions on gambling, mine are exactly the same as Mr Drainville's. That's why he is making reference to the Chair of the committee. There are days when it's an advantage and there are days when it's a disadvantage to be a Chair. It's always an advantage with the wonderful members we have on this committee, however.

Thank you very much, Mr Nichol, for being with us today and answering our questions.

**Mr Crozier:** Particularly, Chair, when they are all unanimous in wanting the opposition to have every opportunity to ask questions.

**The Chair:** We will now deal with intended appointments and I will entertain any motions.

**Mr Wood:** I move concurrence in the intended appointment of Mr Raymond.

**The Chair:** Is there any discussion?

**Mr Martin:** I won't be supporting the appointment of Mr Raymond. I found him to be evasive in terms of his position on some things I think are really important. Given the changes that are happening out there in the labour relations areas, this a board that is very critical and sensitive, and I think we need to know what people's views and opinions are on some of these issues and topics.

In my view, he comes from a very one-sided perspective on this. All his work and presentations before the board have been on behalf of employers. Given the

atmosphere and environment that are out there right now where labour relations are concerned, we have to be completely and totally concerned and careful that we put people in place who are unbiased and balanced in their view and come with a background of experience that has them, from time to time, cognizant of and able to argue on behalf of both sides of the issue. In this instance, I don't think that's the case.

It's my view, and it's a personal view, that the movement that has taken place in labour relations in this province has been very pro-management. Some of the appointments to not only the Ontario Labour Relations Board but a whole host of boards and committees and commissions that oversee the labour relations aspect of the public business of this province have been taken very significantly out of the hands of organized labour and turned over, in many significant ways, to the will of management and this government and its supporters.

It's with that in my mind that this morning, on behalf of my caucus, I will not be able support the appointment of Mr Raymond to the Ontario Labour Relations Board.

**Mr Spina:** If one were to follow the logic of my colleague from Sault Ste Marie, we would presume that no defence attorney could ever become a crown attorney, and no defence attorney or crown attorney could ever become a judge. We are extremely satisfied that Mr Raymond demonstrated that he can make a great transition from one of being an advocate to one of the being an adjudicator. We are quite convinced that he will do a good job in the transition.

**The Chair:** Do any other members of the committee wish to engage in the discussion? If not, we will come to the point of decision. We have a motion before us from Mr Wood to concur in the appointment.

All in favour? Opposed? The motion is carried.

The second one we have is that of Mr Hugh W. Nichol, intended appointee as member, Ontario Lottery Corp board of directors and the Ontario Casino Corp board of directors.

**Mr Wood:** I move concurrence in the intended appointment of Mr Nichol.

**The Chair:** Any discussion?

**Mr Martin:** Even though I sense that the Chair would not have been real happy with the response to the question I asked in terms of the dramatic proliferation of gaming and gambling opportunities in the province, I am not as anxious about that as he.

**Mr Spina:** You have a casino and he doesn't.

**The Chair:** I don't want one.

**Mr Martin:** Given the empathy, though, and the understanding the member showed in terms of the different ways this particular corporation could be helpful in the stimulation and further development of economies and the economy of this province, and his understanding of how important it is for a vehicle like the corporation to have its headquarters in a place like Sault Ste Marie that's struggling to diversify its economy and get its feet under it in that way, because he comes from a place that is itself struggling in probably somewhat the same way, I will certainly be supporting his appointment this morning.

**The Chair:** Any other comment by any member of the committee before we come to a decision? If not, I will put the motion by Mr Wood.

All in favour? Opposed? The motion is carried.

Is there any other business before the committee? If not, I'll entertain a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** All in favour? The motion carries. Thank you, members of the committee.

*The committee adjourned at 1121*





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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 10 May 2000

# Journal des débats (Hansard)

Mercredi 10 mai 2000

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 10 May 2000

Mercredi 10 mai 2000

*The committee met at 1010 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** The meeting is now called to order. The first item we will deal with is the report of the subcommittee on committee business dated Thursday, May 4, 2000. You'll see that attached. Do we have a motion?

**Mr Bob Wood (London West):** So moved.

**The Chair:** Moved by Mr Wood. All in favour of approving the subcommittee report of Thursday, May 4, 2000? Opposed, if any? None opposed. Thank you very much.

## INTENDED APPOINTMENTS

## RONALD EMO

Review of intended appointment, selected by official opposition party and third party: Ronald Emo, intended appointee as member, Assessment Review Board.

**The Chair:** We will now move to the appointments review. This is a half-hour review of intended appointments as follows from the certificate of March 24, 2000. At 10 am we have Mr Ronald Emo, who is the intended appointee as member, Assessment Review Board, from a certificate received on April 14, 2000.

Mr Emo, you may come forward, if you will, please. You may have been told that at the beginning you may make a statement if you wish, say anything you wish, or you may go right to the questions by the members of the committee, whatever your choice. Welcome to the committee.

**Mr Ronald Emo:** My name is Ron Emo. I'm a resident of Collingwood, since 1963. I stand before you as a candidate for confirmation of my cross-appointment from the Ontario Municipal Board to the Assessment Review Board. I have been on the Ontario Municipal Board since February 1997. Indeed, in January 1997 I appeared in front of this committee, which confirmed my appointment. As you will know, the chair of the Ontario Municipal Board and two of our vice-chairs are cross-appointed to the ARB. A year ago, during my evaluation, my chair asked if I would be interested in a cross-appointment and I said I would. So that's why I'm here today.

During the first two years of my time on the OMB, we were the final appeal board on assessments from the ARB, and during my time I did a number of assessment hearings, so I think I have some experience. In addition, prior to my election as mayor of Collingwood in 1980, I had taken all the courses leading to the certified residential appraiser ticket. I was planning to go down that road, as well as being a land surveyor. I think I have the qualifications and some experience in dealing with assessment matters and I would ask that you consider my candidacy favourably.

**The Chair:** We will start our questioning with members of the official opposition.

**Mr Mike Colle (Eglinton-Lawrence):** Welcome, Mr Emo. I certainly give you a lot of credit for trying to take on one of the most difficult jobs in this province. As you know, there have been six pieces of legislation passed on property taxation by this government and we're about to get a seventh one this fall, so I wish you good luck in trying to understand what property tax assessment and property taxation is all about in this province. I still haven't found anybody who understands it except maybe one or two Bay Street lawyers.

The question I have is, you mentioned that you were a sitting member of the OMB in your preamble but you didn't mention it in the resumé you submitted to the committee. Why would you not mention that in your resumé?

**Mr Emo:** What resumé have you got there, sir?

**Mr Colle:** I've got something here that says "Experience profile of Ronald J. Emo." We were all given this.

**Mr Emo:** I wonder if that was the resumé when I first appeared before you as a candidate for the OMB.

**Mr Colle:** This is the one I received.

**Mr Emo:** This would have been the resumé I submitted at the time I was seeking appointment to the OMB, sir.

**Mr Colle:** Maybe I should direct this to staff to ensure that the resumé's are up to date, that they aren't old resumé's that are submitted to the Legislature.

**The Chair:** We will pass that message along to the secretariat in the Premier's office.

**Mr Gilles Bisson (Timmins-James Bay):** I think it's the Chair's fault. I think we should discipline the Chair.

**The Chair:** No, that would be the public appointments secretariat that provides this information. I'll ask our clerk to clarify that. Mr Colle, continue.



**Mr Colle:** Mr Emo, I know you served as the mayor of Collingwood. You also mention in your resumé that you were a partner in Oak-Lea Holdings Ltd, a Collingwood land development company. Could you give us background on how extensive this work was with this land development company and for how many years you were involved with the land development company?

**Mr Emo:** It was a small situation. My survey partner and myself and a local lawyer in 1967 bought some property and we did different developments over the years. Oak-Lea Holdings now is down to two one-acre industrial sites that we're trying to get rid of to wind the company up.

**Mr Colle:** For how many years were you a partner in the land development company?

**Mr Emo:** Oak-Lea was incorporated in 1967.

**Mr Colle:** So you are still involved with this land development company?

**Mr Emo:** Just in winding it down, yes. Industrial land in Collingwood isn't the best mover. We've been trying to wind it down for seven or eight years.

**Mr Colle:** Have you ever been a member, an active member of the Progressive Conservative Party of Ontario?

**Mr Emo:** I've been a member of the Conservative Party of Ontario for most of my adult life.

**Mr Colle:** There is one interesting wrinkle in the changes in the Assessment Act that were made a couple of years ago by this government. That refers to land designated as agriculture. There's been a change whereby municipalities at one time were given reimbursement by the provincial government because the farmlands are essentially taxed at one quarter of the residential tax rate. Up until a couple of years ago, the other 75% was usually reimbursed to the local municipalities, making up for the difference. As you know, with the changes that took place a couple of years ago, the municipal governments are not reimbursed the difference between the actual full residential rate and the 25%. Don't you think that this difference, in terms of the way agricultural land is treated, is an impetus for more development on agricultural land and almost forces municipalities to encourage development of agricultural land, because the land speculators who buy agricultural land can basically plant some corn on the land and then get that exemption from paying even the residential tax rate? Do you think that is a good assessment change in the way agricultural lands are assessed in this province that are held by land speculators?

**Mr Emo:** I don't think I should venture an opinion on that, Mr Colle. I'm in front of you as a candidate for an adjudicator, and if I'm successful here I will be hearing cases and I will hear the merits of both sides. There was a recent court case that just came out in the last two or three months in Mississauga which dealt with a lot of this business about the zoning and agricultural use. I will do my best to give an impartial judgment on the matters in front of me in accordance with the legislation. As for as

my interpreting or saying whether it's good legislation or bad, I think that's the province of you gentlemen.

**Mr Colle:** So you feel in essence that, as an adjudicator and looking at assessment appeals, you won't consider that the effect your view of that assessment, whether it be good, bad or indifferent to a municipality—that it has no bearing on the ultimate decision. In other words, if you deal with an appeal over farmland that is held by speculators, you won't take into account the impact that might have on a municipality's ability to provide services.

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**Mr Emo:** I would presume the municipality would be there and they would put forth their case, the assessment people would do theirs and the owner would do theirs. Based upon the legislation and any court precedents that are in place, I would try to render the best judgment I possibly can.

**Mr Colle:** As you know, Mr Emo, the Ontario Municipal Board is busier than it has ever been before, and I know you've been very busy in King City dealing with appeals before King City, and the Assessment Review Board that you're about to be appointed to is extremely busy. As you know, there's a backlog of tens of thousands of cases. How do you hope to give your full attention to these two bodies, given the workload of the two bodies and considering the growing workload of the two bodies?

**Mr Emo:** My chair, Mr Colbourne, who is the chair of both tribunals, would not have sought some cross-appointments from his OMB members had he not believed there was a niche for that. At the Ontario Municipal Board, frequently hearings do collapse or they're set for a long period of time and they're not followed through, and sometimes the members have time available. So that is one thing. It could be used to fill the calendar in, as it used to be when the OMB did assessment appeals at the same time.

In addition, the Ontario Municipal Board members are full-time and have developed some expertise and they've been trained very well in dealing with appeals. I would envision, and I have no idea, that perhaps some of the more complicated assessment matters might be referred to a cross-appointee. But I'm available for whatever work wherever my chair wants to put me.

**Mr Colle:** Are you aware of how many cases are now pending for appeal before the Assessment Review Board?

**Mr Emo:** No, I am not.

**Mr Colle:** Do you have any idea whether it's 100,000, 200,000?

**Mr Emo:** I do know from my experience when the OMB was doing assessment appeals that an awful lot of them settle before they get to a hearing.

**Mr Colle:** One of the concerns I've had from many citizens is that they cannot get a date. I have people who have been waiting a year and a half to get a hearing before this board.



Now, as you know, we have a new assessment coming forth at the end of 2000 that is based on the year 1999, I guess. Given that the people who appealed previously based on the 1996 values have not had their cases heard, how will the board, or you, deal with the fact that people are now going to appeal twice when they haven't even heard the first one? Have you been given any indication on how they would ever deal with this?

**Mr Emo:** You would have to deal with it on the merits of the appeal in front of you, sir. I don't know how many of our members are being cross-appointed—I think it's seven or eight. That's seven or eight full-time members who will be available to help the ARB with any backlog they have.

**Mr Colle:** Then on top of this, in many municipalities there is a phase-in that's in place, like Toronto, based on the 1996; there's phasing-in over five years or so.

With this new assessment that's coming up at the end of this year, there could be phase-ins on top of phase-ins, and on top of that again many appeals have not been heard. In some cases, people have had a hearing and they haven't even received the reduction in their property tax bills. This appeal was made, in some cases, successfully.

**Mr Emo:** Did they receive the decision?

**Mr Colle:** They received the decision, but because of the backlog there is no direct communication it seems between the Assessment Review Board and the municipality in terms of getting the taxpayer that reduction.

How do you suggest we may be able to get faster hearings and hearings that result in positive results getting back into the pockets of the people who make the appeals?

**Mr Emo:** All I can say is, as I said earlier, if there are eight new full-time OMB members who are going to be doing some assessment, that has to speed up the process. I know the Ontario Municipal Board is very prompt in getting its decisions out. While I don't think that wouldn't carry over into work for the ARB, as to what happens after that, I don't think the adjudicator is responsible for what happens from there on. We run a good hearing and give a well-reasoned decision as promptly as possible.

**The Chair:** The third party, Mr Bisson.

**Mr Bisson:** Welcome to our committee. Just to clarify, what board are you presently sitting on?

**Mr Emo:** I'm presently a member of the Ontario Municipal Board.

**Mr Bisson:** But you are resigning your position on the Ontario Municipal Board?

**Mr Emo:** No. I will be cross-appointed. I will be a member of both tribunals.

**Mr Bisson:** I just need some clarification from research. Is it new, or was it always the case that you were allowed to sit on the OMB and the ARB?

**Mr David Pond:** It's new for this pair of agencies, but past governments have made cross-appointments for other agencies when the two agencies had related jobs. Under your government, the Pay Equity Hearings Tribunal and the Employment Equity Tribunal would be

an example. This is being done, as the witness has already indicated, to address the backlog issue.

**Mr Bisson:** But this is the first time it's been done where they are sitting both on the OMB and the ARB?

**Mr Pond:** In the last few years, yes.

**Mr Bisson:** OK. That's what I wanted to know.

How long have you been on the Ontario Municipal Board?

**Mr Emo:** Since February 1997. I was reappointed in December 1999.

**Mr Bisson:** It's fairly apparent from your resumé that you have a multitude of experience in both the development field and within municipal politics and the various other organizations you've been involved with, and I'm sure you bring a wealth of information and experience to what you are doing.

I just have a couple of general questions. One of them is, as I understand it there are two full-time board members, the chair and the vice-chair, and there are 60 appointees to the ARB.

**Mr Emo:** It fluctuates. I don't think it's that large now, but it might be.

**Mr Bisson:** What is it now? That is what I was wondering.

**Mr Emo:** The Assessment Review Board?

**Mr Bisson:** I'm asking research. How many people are appointed?

**Mr Pond:** On the Assessment Review Board?

**Mr Bisson:** Yes.

**Mr Pond:** I can't tell you off the top of my head. It's a large board, though.

**Mr Emo:** Our chairman, the chairman of the Ontario Municipal Board, is also the chairman of the Assessment Review Board, and two of our vice-chairs are also vice-chairs of the Assessment Review Board.

**Mr Bisson:** The question I'm asking is, do you know how many of the 60 people have already been appointed?

**Mr Emo:** I think it's a substantial number.

**Mr Bisson:** I guess my general question—and I don't know if there's any way research can figure this out—is what the mix of those appointments has been? In this case, I'm not questioning this gentleman's ability to serve on that board; obviously he has the experience. But my question is, what has been the mix to ensure that the board has appointees who represent the various facets of the industry? It's good to have people from a municipal background and from the development background, and it's also good to have people from various other backgrounds that are associated with development. I don't know if there is any way we can figure that out.

There's nothing wrong with being a Conservative. Everybody is allowed to be a member of a political party. I only wish there were fewer of them, because I think they're bad for business. But that's another story.

**Mr Bert Johnson (Perth-Middlesex):** For \$5 your can join.

**Mr Bisson:** A \$5 membership? Man, you guys are cheap.



My concern, however, is that I wouldn't want to see the board skewed with purely partisan appointments. I'm not saying you are partisan; I guess we all are to an extent. But I want to make sure that board has representation of the various people within the community in order to represent the community of Ontario when it comes to this area. Is there any way to work that out?

**Mr Pond:** I'll have to check with the board and the ministry.

**Mr Bisson:** Just to see the kind of backgrounds they have. I'd be interested in seeing—

**Mr Pond:** This is just the Assessment Review Board?

**Mr Bisson:** In this case, just the Assessment Review Board, if they can break it out in any kind of way to take a look at the types of people who have been appointed: how many represent the development, municipal side, the financial side etc, just so we can see that they're properly appointed.

The only other question I have for you, and I think it's a standard question, is that you are involved in the development field, and there's nothing wrong with that—

**Mr Emo:** I really am not. As I've said to the other member—

**Mr Bisson:** There's nothing wrong with that. That's not my question. My question is, if you were put in a position of conflict, what mechanisms do you have to withdraw yourself?

**Mr Emo:** If I perceive any conflict at all, I'll recuse myself—I think that's the legal term—and step down.

**Mr Bisson:** Have you ever been put in that position while you've been on the Ontario Municipal Board, as a former proponent of a project or as the mayor of the community?

**Mr Emo:** I have never done a hearing in Collingwood. I've done a few hearings in the fringe area. I was a land surveyor in private practice for 35 years. I look in the file to make sure there is no involvement—if I either knew the people or my former firm had any involvement with it.

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**Mr Bisson:** Do they try to do that? Do they try to make sure that the hearings you get are not hearings that deal with matters from within your old municipality?

**Mr Emo:** Yes.

**Mr Bisson:** There is? OK.

**Mr Emo:** But it's also an onus on the member too. You want to avoid any situation like that.

**Mr Bisson:** That's fine. I'm done.

**The Chair:** The government caucus. Mr Johnson.

**Mr Johnson:** Mine really wasn't so much a question, although I do want to comment on the qualifications from the résumé Mr Emo brings to this position. So I can state now that I will be supporting your appointment.

**Mr Bisson:** Your Tory membership card told me that.

**Mr Johnson:** Well, certainly that would encourage me. I do have a comment about a member of the committee, Mr Colle. He was using, probably not intentionally, the mechanism for the 75% rebate to farm property. The farm owner paid the full municipal tax to the

municipality, and the refund came from the province to the individual farm owner, not the municipality. I just want to correct that for these purposes.

**Mr Colle:** That's been changed now. It doesn't come back.

**Mr Johnson:** Yes. What I wanted to correct was the procedure that was formerly in place, not what is there now.

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** Mr Emo, you are allowed to step down now. The members have completed their questioning. Thank you for being with us today.

**Mr Emo:** Thank you, Mr Chair and members.

## ANNE WINGFIELD

Review of intended appointment, selected by official opposition party: Anne Wingfield, intended appointee as member, Council of the College of Audiologists and Speech-Language Pathologists of Ontario.

**The Chair:** Our next intended appointee has arrived, and we will be able to deal with the next appointment. This is the intended appointee as member, the Council of the College of Audiologists and Speech-Language Pathologists of Ontario, Anne H. Wingfield. Please come forward. Welcome to the committee.

**Mrs Anne Wingfield:** Thank you very much.

**The Chair:** You have the opportunity, first of all, to make an initial statement, should you wish to do so.

**Mrs Wingfield:** The short term for my college is CASLPO, so if I say CASLPO you'll know what I'm referring to. It's a little less wordy.

I'm happy to be here today. I guess I'm here to sell myself. I have a long history of dedication to the city of Burlington, where I have lived since 1958. I think the highlight of my work in my community is the fact that I won four municipal elections, the third as Hydro commissioner, and chair for nine of those 12 years for the city of Burlington. The first time I ran I got more votes than the mayor, and I thought that was really something special. In all the 12 years I served on the commission, I did not miss a meeting. Whatever I take on in my life, I give 100%. I do not miss meetings, I do my homework and I am very dedicated to any position where I serve, whether it's on the college, in my community or in other organizations.

I might add, with regard to CASLPO, that a member of my family is deaf and I have a granddaughter who has utilized a speech pathologist. So from my family's perspective I have first-hand knowledge of the mandate of these two colleges. I have served on CASLPO for a little over two years, and I enjoy it and enjoy the dialogue. I feel that I am a good public member for the province of Ontario, and I think you're looking for people like me who don't mind the challenge and who are willing to give the time and effort to serve in this capacity.

**The Chair:** Thank you kindly for your initial statement. I'll start with the New Democratic Party this time.



**Mr Bisson:** Welcome to our committee. Unfortunately, for some reason I don't have your résumé.

**Mrs Wingfield:** I have an up-to-date one here if you want one.

**Mr Bisson:** Could I, please?

**Mrs Wingfield:** I don't know whether anyone else would want one.

**Mr Bisson:** First of all, I just want to thank you for applying for this position. You would know that in 1991 it was our government that introduced the Regulated Health Professions Act which created the college and I'm glad to see that it is continuing. It's not something the government decided to undo, like they did in 1995 to so many other of our initiatives. I'm a firm believer that if we're going to make sure that health care works for both the taxpayers and the patients, we need to really pay special attention to making sure that we do the reforms that need to happen at the primary level of health care. What you're involved in with regard to the regulated health professions is part of that. I don't think we pay enough attention to the amount of work that can be done by other professionals within the health care field that would be far better for the patient and far better for the taxpayers when it comes to how we utilize those professionals. So, first of all, I want to thank you for your application.

I just have a general question. Taking a look at your particular background, are you a speech pathologist yourself?

**Mrs Wingfield:** No, I am not.

**Mr Bisson:** That's what I was wondering. What's your background in speech pathology other than family? You have a family member who is deaf, you were saying?

**Mrs Wingfield:** None.

**Mr Bisson:** What brought you to apply for this particular—

**Mrs Wingfield:** Initially when I submitted my résumé to serve on one of the colleges, I was asked to submit my first, second and third choices Audiology, speech path, was my third choice. I submitted for pharmacy and nursing, and this was my third one, because those were the ones I thought I would be most interested in and would challenge me as far as their mandate was concerned.

**Mr Bisson:** Are you a member of any health care profession now?

**Mrs Wingfield:** No. I'm married to one.

**Mr Bisson:** To a profession?

**Mrs Wingfield:** My husband is a chiropractor and he served on the college for the chiropractic profession.

**Mr Bisson:** Just so you know where I'm coming from, I'm a big believer that you can't stack these committees with just strictly professionals. You have to have a mix of professionals, non-professionals, people who bring in various points of view.

**Mrs Wingfield:** Absolutely.

**Mr Bisson:** I take it that's what's going to happen. I notice also on your application you're a member of the Burlington South PC Association.

**Mrs Wingfield:** Yes, I am.

**Mr Bisson:** I have a membership card. If you want to switch, you can do it right now.

No, listen, people choose their political parties and I'm not going to argue with you on that one. Was your application at the insistence of anybody within the PCs?

**Mrs Wingfield:** I can't say as it was. I've been a PCer my whole life. My father was. I can't say that, no.

**Mr Bisson:** So this is something you decided to do yourself?

**Mrs Wingfield:** Yes, I wanted to do this.

**Mr Bisson:** This is a question to research. I don't have a good enough sense of what's happening with appointments these days vis-à-vis the various boards that are being appointed. Without expending a whole bunch of energy, is there any way to figure out the ratio of appointments we're getting these days vis-à-vis how many Tories are being appointed to these boards versus the other wonderful parties in the opposition?

**Mr Morley Kells (Etobicoke-Lakeshore):** We should deal with 1990-95.

**Mr Bisson:** We should, because I'll tell you, we didn't appoint enough New Democrats. That's what people tell me.

**The Chair:** Is that question directed to research? To the Chair? To the world?

**Mr Bisson:** Is there any way of figuring that out? There's that kind of tracking mechanism, right, research?

**Mr Pond:** I don't think it would be appropriate for me to do that.

**Mr Bisson:** I think it would be perfectly appropriate. Understand where I'm coming from, for members of the committee on the government side. I understand, as a government and as a party, you're going to appoint your own to committees. I would do the same thing if I were you. The point I make is that it's just my observation last week and this week, the only two times I've sat on this committee lately, that we've dealt with three appointments and the last three I've seen are all PCs. Bert, you stick your thumb up, saying, "That's a good thing." I understand that the government wants to have appointments on the commissions. They want to make sure their ideological agenda is passed through and that you have your members throughout the various parts of the civil service. I understand that. But I also understand, as you do, that it's important to have different points of view. The world would not be a great place if there was nothing but a bunch of PCers making all the decisions. In fact, it would be a pretty damn scary place.

**Mr Joseph Spina (Brampton Centre):** That's arguable.

**Mr Bisson:** It's not arguable.

**Mr Kells:** It depends on how we feel about our Premier's office.

**The Chair:** Is that on Hansard?



**Mr Bisson:** Exactly. Mao Zedong tried that for years, everybody thinking the same way, and it didn't get anywhere.

**Mr Kells:** When was he Premier?

**Mr Bisson:** I think he still is.

**The Chair:** Is there a question for the intended appointee?

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**Mr Bisson:** I thought this was very good conversation. I just say to Anne—sorry, I was looking for your resumé again—to Mrs Wingfield that I'm sure you're going to try to do your very best in the job you're going to be doing. I understand you're going into this obviously with some political convictions, and I have no argument with that. That's our individual right in a democracy, and I respect that.

I just ask, as you go to this committee, to keep in mind a couple of things. One of them is, speech pathology in various parts of the province is at a very severe limitation as far as access to service. In northern Ontario and south-western Ontario there are a whole bunch of places where there are no speech pathologists at all. In this particular body maybe there's some way you can take a look at some of the policies about how we deal with making sure speech pathologists are available in various parts of the province. I just ask that as you go to the committee, you keep that in mind, that the world is bigger than just the 905 or the Toronto area and speech paths are needed in various parts of the province.

**The Chair:** Ms Wingfield, do you have any response to that?

**Mrs Wingfield:** I would only say in response to your statement that it's not the mandate of the college to generate numbers of professionals. That's for professional organizations to do.

**Mr Bisson:** I realize that.

**Mrs Wingfield:** That's not our mandate. We're here to act in the public interest.

**Mr Bisson:** No, no, I understand that.

**Mrs Wingfield:** I could not have any influence over numbers.

**Mr Bisson:** My point is, you will be coming in contact over the number of years with various people from within the profession. There is a very deep need in various parts of the province for speech pathologists, and in order to try to sensitize you, I'm only asking you just to keep that in mind as you're talking to others. That's all I'm saying. That's it, Jim, all done.

**The Chair:** Members of the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** Mr Wood, on behalf of the caucus, is waiving the time. We go to the official opposition, Mr Crozier.

**Mr Bruce Crozier (Essex):** Welcome, Ms Wingfield, to the committee. I want to say at the outset that I have no reason that we would not concur with your appointment. I'm curious. When you are selected to appear before the committee, does the staff of the ministry point out that it really doesn't matter how we vote on your

concurrence, that you will be appointed? Do they point that out to you?

**Mrs Wingfield:** No.

**Mr Crozier:** Well, let me put you at ease, because it really doesn't matter how I vote. You're going to be appointed anyway. OK?

**Mrs Wingfield:** OK. If you say so.

**Mr Crozier:** I say so. That's the way it works. In any event, I just wondered whether you were told that or not.

**Mrs Wingfield:** No.

**Mr Crozier:** More recently, I have had an interest in a particular program that certainly falls within the interest of the council of the college, and that is the cochlear implant program. Are you familiar with that?

**Mrs Wingfield:** No, I'm not.

**Mr Bisson:** That's a hot debate right there.

**Mr Crozier:** Yes. It's an implant that allows someone who is either deaf or near deaf—

**Mrs Wingfield:** Oh, yes, yes. I'm sorry. I am aware of that, yes.

**Mr Crozier:** It would appear as though the funding for this is nowhere near the need. Do you have any particular comment on that, how you would feel and how you might, in your position on the council, bring issues like that forward?

**Mrs Wingfield:** My only comment would be through my sister-in-law who is deaf, that some deaf people are against it. They feel they've lived their life as somebody who doesn't hear and all of a sudden to have their hearing restored, some of them aren't for it. I guess they're nervous, they're concerned. To reverse your life from being deaf to a hearing life, that transition, in their mind's eye, is it worth doing? Is it worth taking? That would be my only comment on a personal level.

**Mr Crozier:** That's a very interesting comment in that those of us who have not suffered deafness or blindness may be the same way, or at least someone who's closely connected with a person who suffers from deafness or blindness. What you're almost saying is they don't suffer. They've learned to live and lead a full, meaningful life and this dramatic change might be a bit too much.

**Mrs Wingfield:** If I could just respond to that, with my brother-in-law and sister-in-law both being deaf, I think the only ones who really suffered in their family were the children insofar as there was no one to read to them. My brother-in-law had rigged up a doorbell and the lights came on if someone rang the doorbell. He was the first person in Canada to get the telex machine. To go to a deaf person's house and to see them talking to another deaf person by computer now, their world is not the same as it was, say, 50 years ago. They lead very full lives, in spite of their hearing loss.

**Mr Crozier:** Certainly. So that my interest in this and support of it might not be set aside, I can understand what you've said, that someone who is deaf may not want to hear, but the problem is there are more than enough out there who do want to hear and the program doesn't support them. There aren't the finances to support that program. Those who don't want to have



access to it, that's their prerogative, but the line-up is too great. I would hope that, although the council is more in a regulatory and appeal area, there is one part of it that's patient relations. I would think in your responsibility in patient relations you may be faced with a request for some advocacy in that area, and I'm taking this opportunity to ask you to consider that advocacy very carefully.

**Mrs Wingfield:** I would.

**Mr Crozier:** I appreciate your coming today and I wish you well on the council.

**The Chair:** The three parties have utilized the amount of time they wish to utilize for questions for you. We appreciate your coming today. If you drove through the same traffic I drove through—

**Mrs Wingfield:** Yes, I did, two hours, 10 minutes from Burlington.

**The Chair:** —you must be grinding your teeth, because I was three hours from St Catharines. We particularly appreciate your congeniality in view of the awful drive you've had today. Thank you for appearing before the committee.

**Mrs Wingfield:** Thank you very much.

**The Chair:** What we will do now is deal with the appointments. I'll accept a motion, first of all, on the intended appointee as member, Assessment Review Board, Ronald J. Emo.

**Mr Wood:** I move concurrence in the intended appointment of Mr Emo.

**The Chair:** Mr Wood moves concurrence. Any discussion? Mr Colle first and then Mr Bisson.

**Mr Colle:** There are very few avenues whereby citizens or MPPs can bring the Assessment Review Board process to task. I think I'm speaking on behalf of a lot of property taxpayers across this province who are finding this board impossible to deal with. I noticed in the briefing notes that this board now has a backlog of over 250,000 cases. It's impossible to get a timely hearing, and when you do get a hearing, the hearing is not citizen-friendly. It's very intimidating. It's very long, drawn-out and extremely expensive. Some people are bringing in lawyers because they feel that's the only way they're going to get a fair hearing.

I think the root of the problem is the legislation, obviously, which created this property tax mess in this province, where nobody understands how the property tax system works, never mind the assessment system. Part of that or the root of it, as you know, is the fact that when they did the assessment in 1996, they didn't look at any houses or properties. They did it all by computer modelling. The mistakes that have been made are just beyond belief, and they're going to continue to make them because, in essence, they cannot assess house by house. It's just impossible to do on the updating. Now we're going to have another series of appeals where the caseload could reach maybe half a million, the way they're going, when they get the new 1999 assessments.

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I can't see how the government can respond to the 250,000-case backlog by cross-appointing people from

another very busy board, the Ontario Municipal Board, which is again a board where it's almost impossible to get a hearing date—you've got to wait for months and months—again, another board that's very intimidating where you need lawyers, and the more lawyers and consultants you have, the more chance you have of getting a good hearing.

I would oppose this cross-appointment. It's not so much Mr Emo's reputation or Mr Emo's qualifications, which seem to be generally good; it's the fact that this type of cross-appointment process doesn't deal with the root of the problem, which is re-forming or retooling this Assessment Review Board and the whole assessment mess in this province to give people a fair hearing about their property taxes, which are going up all over the province as we speak, which are not understandable and on which you can't get a quick and speedy hearing.

I know assessment review officers, not so much the adjudicators, spend most of their time trying to dissuade people from going to the board. That's what they're paid for. They go to people who file appeals and say: "Oh, don't go. You're going to lose." Or they say: "We'll give you 10%. Let's make a deal on the side here. Don't go to the board." They're trying to deny people their day in court.

There's something radically wrong with this Assessment Review Board, the assessment system, and I would oppose this appointment as a way of saying that something has got to be done to fix this mess with the assessment system in this province and the Assessment Review Board.

**The Chair:** Monsieur Bisson.

**Mr Bisson:** First of all, on the general comment of assessment, the government has totally balled up the whole assessment process by going to the system they did. We all know why they did it. In 1993, when there was the debate on whether we should introduce the same assessment system in the city of Toronto as there was everywhere else, the PCs, in opposition, said no. They were against market value assessment for the city of Toronto. Our government listened and didn't introduce it. They got elected and tried to figure out how to do it. So they changed the entire province of Ontario to AVA in order to put Toronto on what is an amended MVA, which they now call AVA. We know what happened.

**Mr Colle:** CVA.

**Mr Bisson:** CVA, yes. It's all been screwed up anyway. So we know what this is all about.

The second point is—I agree with the critic from the opposition party, the Liberals—that this whole assessment system is a bloody mess. We've had how many pieces of legislation in the last five years?

**Mr Colle:** Seven.

**Mr Bisson:** Seven or eight. Are we on the eighth now? We're on at least seven pieces of legislation to fix a bill that was hurried in the first place to try to fix a political problem for the Tories on how to bring MVA, AVA, CVA, into the city of Toronto. So we know what this is all about.



Just generally to the government, I want to ring this word of caution. I mentioned earlier that everybody, as far as a political party when in government, is going to appoint their people to committees and commissions. I understand that. I won't make an argument that you should never appoint Conservatives to your various boards and commissions. Certainly you have the right to do so, and there are some good reasons why you have to do that to an extent. However, I'm worried, as we look at the practice of this government, they're appointing basically their Tory friends to every bloody board and not taking into account that you have to have different views on those boards representing the people of Ontario.

My good friend Mr Kormos is probably going to feel the same way as I do on this as he walks into the room, that you can't be appointing just Tories to these boards. You have to have a multitude of people from different walks of life who go to the boards and give a different perspective. How is the system going to work if at the Ontario Municipal Board or at the Assessment Review Board you have nothing but a bunch of Tories? Obviously I understand how Conservatives work. They'll try to support each other. They will try to do as best they can to protect the government from decisions that will come back to bite them, so I say to the government across the way, you're not serving the interests of the province well if all you do is appoint Conservatives.

I understand you have to appoint some. I understand you probably have to appoint a majority, but you have to have others on that board from various political parties with different political points of view who are able to look at decisions and to make decisions that are based on the reality of Ontario, which is that Ontario is not just one homogeneous society in which all think and go in the same way. I just caution the government. When you're coming before us with these appointments, you should keep in mind to try to get people with different points of view. That's the way democracy works, and I don't think you're serving it well otherwise.

I want to say to the appointee, Mr Emo, I will be supporting your appointment. I have no argument with your qualifications. You, like other people in our community, probably serve your municipality extremely well. You have a good understanding of the development business and what happens as far as the business of the Ontario Municipal Board. I have some concern about the cross-appointment, but time will tell. Let's see how the hell it's going to work, and if it's a problem, it's up to the Legislature to try to undo it. I'll be supporting the appointment.

**The Chair:** Thank you very much for those comments. Any comments from the government caucus? If not, I will call—

**Mr Wood:** A recorded vote, please.

### Ayes

Bisson, Johnston, Kells, Spina, Wood.

### Nays

Colle, Crozier.

**The Chair:** The motion is carried.

The next intended appointee as member of the Council of the College of Audiologists and Speech-Language Pathologists of Ontario, Anne H. Wingfield.

**Mr Crozier:** Let's have a recorded vote on this.

**Mr Wood:** We better have a motion first.

**The Chair:** Mr Wood, are you making the motion?

**Mr Wood:** I move concurrence in the intended appointment.

**The Chair:** Mr Wood has moved concurrence in the intended appointment.

**Mr Crozier:** Let's have a recorded vote on this one too.

**Mr Bisson:** I want to have a discussion.

**The Chair:** Mr Crozier, first of all, is requesting a recorded vote. Now we'll have discussion.

**Mr Bisson:** I want to take this opportunity, and not for very long, just to say to the government, listen, this is a college that works well under the Regulated Health Professions Act. My only caution to you, other than the one I made in the first place on the other appointment which I would not repeat other than to say you heard me the first time.

You guys are really missing the boat when it comes to reform of the health care system. You've put all your eggs into reforming the hospital sector. You've gone through the hospital restructuring commission. You know that the commissioner at the end of his mandate said you guys were wrong. You shouldn't have started restructuring hospitals first. You should have started with primary health care reform, and you're missing the boat entirely.

What your government should be doing—and I think it's not only my view but also the view of many people who know more about the health care field than all of us put together—is taking a look at primary health care reform. How do we use other professionals in the health care field in a more effective way for both the patient and the taxpayer? Does it make sense to be using, in the town of Kapuskasing, family practitioners at all hours of the night for doing work that various other health care professionals could be doing in different settings if we were to allow that to happen in a more effective way?

You introduced a budget last week. Unfortunately, I wasn't here. There was a death in the family and I had to be with family all of last week. But as I look at the budget documents this week, I'm really disappointed. There's nothing in that budget that really talks about putting in the kind of reform we need on the primary health care side; for example, the expansion of the community health care clinic system. In Kapuskasing, as an example, there's an application to construct a health care clinic for the community of Kap and the surrounding area. Why? Because we presently have only one way to get health care services, and that's probably the same as



it is for you, Bert. People have to go to their doctor's office, which normally is at the hospital. It's an additional cost to the health care system to run health care services that way in the view of many people.

I would have liked to have seen this government saying, "We got the message." What we need to be doing is putting dollars in primary health care reform so that we allow things like the Kapuskasing health clinic to go ahead. We could look at different ways of providing health care services so that it's good for the citizens, the patients who need the service; it's good for the doctors so we take off some of the stress these docs are going through because they're working all hours of the night; and it's good for the taxpayers so that they can get a break at the end, knowing that their health care dollars are going a lot further and a lot better as far as how they're being spent and delivering proper health care services.

I'm going to accept the appointment that you have here today. The person who presents before us doesn't

have direct experience in the health care field, but I think it's important to have people from different walks of life.

But I say to the government, you're missing the boat. You've got to do primary health care reform, and that means putting the dollars in place to make sure that you have a continuum of care that works for the patients and works for the taxpayers, something you're not doing.

**The Chair:** Thank you, Mr Bisson. Any other comments before we have our vote?

A recorded vote has been requested.

### Ayes

Bisson, Colle, Crozier, Johnston, Kells, Spina, Wood.

**The Chair:** The motion is carried unanimously.

Is there any other business to come before the committee? If not, I will declare the meeting adjourned.

*The committee adjourned at 1059.*

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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 17 May 2000

# Journal des débats (Hansard)

Mercredi 17 mai 2000

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

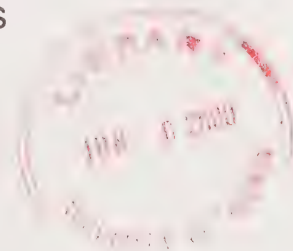
**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Nominations prévues

Chair: James J. Bradley  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 17 May 2000

Mercredi 17 mai 2000

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** I'm going to take the liberty of calling the meeting to order.

The first item is the report of the subcommittee on committee business, dated May 11, 2000.

**Mr Bob Wood (London West):** I move it's adoption.

**The Chair:** All in favour? Opposed? That is carried.

INTENDED APPOINTMENTS  
NOMINATIONS PRÉVUES

## LUC GUINDON

Review of intended appointment, selected by third party: Luc Guindon, intended appointee as member, Assessment Review Board.

**The Chair:** We now move to the appointments review. We're starting a half-hour review of intended appointments as follows: From the certificate received on April 28, 2000—I will explain for our guests who may be here today that you come forward and we allow people to have an initial statement and then questions by the parties—I'll ask Mr Luc Guindon, intended appointee as member, Assessment Review Board, to come forward, please. Welcome to the committee. You are most welcome to make an initial statement, if you wish, sir.

**M. Luc Guindon:** Bonjour, monsieur le Président, madame et messieurs. Je vous remercie de m'avoir donné l'occasion de me présenter devant vous aujourd'hui pour discuter ma candidature au poste de la Commission de révision de l'évaluation foncière.

I believe I have what it takes to fill one of the positions on the Assessment Review Board. Being fluently bilingual and having acquired a wealth of diversified experience in the private and public sectors, I believe it will be very helpful in my role as an adjudicator. My eight years' experience as a realtor have given me great insight with property evaluation and the assessment process. As a real estate professional, I acquired a wealth of experience in property exchange and realty law.

Having been a member of the Ontario Legislature, although for a short time, has given me valuable experience. As a critic for francophone affairs, among others, I was successful in passing Bill 8 through the House. I'll just take a moment to explain that Bill 8 was the French

language services law which was unanimously approved by all parties. As MPP for Cornwall, I served on many government committees, including the standing committee on social development which covered the province considering separate school funding.

My 25 years' business experience includes owning a successful business, effective management, marketing and quality assurance, among others. The last five years, being employed with an independent gasoline retailer, permitted me once again to travel Ontario, from Espanola to Belle River to Hawkesbury.

If I should be selected for the position with the Assessment Review Board, you can look forward to a team approach, where respect of individuals will be a priority.

In closing, I would like to thank you for giving me the opportunity to appear and I look forward to any questions you may have with regard to my proposed appointment.

**The Chair:** This is a third party selection. Let me start with the third party, Mr Martin.

**Mr Tony Martin (Sault Ste Marie):** In your view of the role of the Assessment Review Board in Ontario today, what would be the priorities in your opinion?

**Mr Guindon:** I believe the priority that exists right now is to eliminate the backlog as much as possible and get caught up with the revisions so that everything can be brought back to where it should be. It is my understanding that what should be done, if I'm given the chance, would be to get out there and get the job done.

**Mr Martin:** What in your view is the reason we're stuck in the place that we are at this point, where that's concerned?

**Mr Guindon:** We've changed the assessment system to make it fairer across Ontario so that all, from municipality to municipality, would be relatively the same or at least very comparable, is my understanding.

**Mr Martin:** You think the biggest reason right now that we're stuck with the backlog that's there is because we've changed the system?

**Mr Guindon:** Part of it is that. When there's change, there is always concern, and the biggest concern for the individuals or the property owners is that they don't understand the future and they would like to know what it will cost them down the road.

1010

**Mr Martin:** You understand, I'm sure, from having watched what's unfolded over the last few years in



Ontario, that there's been a tremendous shift in responsibility re who pays for what, which in my view has had quite a significant impact on the load that now is going to be placed on the shoulders of the property taxpayer in Ontario. We call it the download. Has that had any impact on the number of appeals people are coming forward with, because of some of that? In your own view, has that had any impact on the fact that there's this backlog in the system at this point?

**Mr Guindon:** I couldn't answer that question. I'm not on the board and I'm not aware of the whole situation you are bringing forth here. I wouldn't want to take a chance and make comments I wouldn't be sure of.

**Mr Martin:** I guess what I'm trying to get at here is that when a tax appeal gets to the appeal board or an assessment appeal gets to the appeal board, we want to be sure there's somebody there who is fair and balanced in their approach and is willing to take into consideration all of the factors. You mentioned in your opening that you were a team player. I look at the list of people who are on that board. They tend to be, for the most part, business people, which in itself doesn't cast any shadow, but in my experience over the last 10 years most business people tend to support the agenda of this government.

The fact that you were a Conservative member of this Legislature at one point in time might lend me to think that perhaps—where it came to an issue of some individual landowner or property owner wanting a fair assessment on his property, would your political connections or past political affiliation affect in any way your ability to rule in cases that come before the Assessment Review Board?

**Mr Guindon:** Absolutely not. The role of adjudicator is to be fair, to understand both sides, to make sure he gets all the explanation that is needed and to render his decision with what he has. There is no way that political affiliation, in my view, would make any difference whatsoever. It's the facts that count in that process. If the facts are there, the complainant will be satisfied, and if the facts aren't there, the complainant won't be satisfied.

**Mr Martin:** Are you still a member of the Conservative Party in Ontario?

**Mr Guindon:** Mr Martin, my family name is similar to Nixon in southern Ontario, Martel in northern Ontario and Grossman in Toronto. In Stormont, Dundas, Glengarry, Prescott-Russell, yes, I'm guilty. I'm still a member. I forgot Caplan.

**Mr Martin:** I didn't use the word "guilty," Mr Chair; the person in front of us did, but that's fine.

**The Chair:** Mr Wood almost fell off his chair when that was said.

**Mr Martin:** I wouldn't cast that aspersion, as the members across would know. OK, that's all I needed to know.

**The Chair:** I'll move to the governing party now.

**M. Marcel Beaubien (Lambton-Kent-Middlesex) :** Bienvenue, monsieur Guindon. Puisque vous avez été un député de 1985 jusqu'à 1987, j'espère que le parti néo-démocrate vous laisseront votre vie comme député, parce

que les choses ont vraiment beaucoup changé depuis 1987. Alors, essayer d'y rattacher que vous avez peut-être un conflit avec les choses qui se passent aujourd'hui parce que vous avez été député en 1987, je crois que ce n'est pas très responsable.

Personally, I have no difficulties with the individual we have in front of us. I look at his qualifications. Mr Martin, what I said to Mr Guindon was that just because he was a member in 1985 to 1987, trying to imply that the individual may have some difficulties in looking at property assessments today, hopefully you will not hold that against any individual for the rest of their lives. I think an individual can still make some contribution, especially when you look at the particular background. I am sure the same questions were probably asked of candidates with political affiliations when you were in government. I think that sometimes plays a role, but we also have to look at the qualifications. I don't have any further questions except the statements I've made because I feel this individual is certainly qualified.

**Mr Bob Wood (London West):** We'll waive the balance of our time.

**The Chair:** I'll move to the official opposition, Mr Gerretsen.

**Mr John Gerretsen (Kingston and the Islands):** Thank you very much, and bienvenue, Mr Guindon.

I certainly don't hold it against you that you've got a Conservative Party card. Some of my best friends carry cards of other parties. More people should be involved in the political process, hopefully carrying our cards, but whatever card they carry. I think there aren't enough people involved politically.

Having said that, let me just ask you a few questions, and I'm not going to ask you whether you are a true Conservative, a backer of Mr Clark, or whether you're a Tom Long Reform Conservative. We have certainly found out with this government what the vast majority of its members who are elected in this Legislature are. Something that I've been saying for years is that we don't have a Conservative Party à la Mr Davis, for whom I have an awful lot of respect, or Mr Robarts, and all the people who were here then. We've got a Reform government here in Ontario, so if you carry a Conservative card, you may be in trouble with this crowd because they all carry Reform cards.

Having said that, however, sir, and undoubtedly you will be selected, I wish you well in your endeavours because there are, I believe, something like 600,000 appeals out there currently. Although you're only applying for a part-time position, or are being appointed to that, if you get approved, undoubtedly you will be busy for many years to come.

I just have a couple of questions. You were a member from 1985 to 1987?

**Mr Guindon:** Yes, I was.

**Mr Gerretsen:** If memory serves me correct, Mr Miller was in power for probably about a month or so before the famous Liberal-NDP accord was signed and the government was turned over to Mr Peterson. You



claimed credit for being instrumental in passing Bill 8. Are you telling me that Bill 8 was passed during that one-month time period when Miller was actually the Premier of this province?

**Mr Guindon:** I'm sorry if you misunderstood. I was the critic for my party and it was Mr Peterson's government.

**Mr Gerretsen:** That's right, because I'm very familiar with Mr. Grandmaitre and I always thought he was person who led the charge to get Bill 8 approved. I want to give you full credit for being the critic in your party, for supporting it, but I believe he was instrumental in getting it through.

1020

I have some very serious questions, though, about the fact that you are a realtor. You were in the real estate business for eight years. There's a very close link between realtors and the assessment values of properties and things like that. What I'm concerned about—I'll lay it right on the line and it's got absolutely nothing to do with you personally—is this idea that if you're going to be involved in assessment reviews within your own area of influence in eastern Ontario, having been involved in the real estate business or maybe still being involved in it, and also being an assessor which in effect greatly influences what the taxation on a property is going to be, do you feel there is a potential conflict of interest there in your opinion?

**Mr Guindon:** No. As an adjudicator there would be no conflict of interest. It's a straightforward thing. If there were a conflict of interest, I'd make sure I covered it with the chair of the board. I'd let him know and I wouldn't accept it if there was, if it was family or something like that. If it's just to adjudicate a problem between an appellant and the assessment office, I don't see any conflict of interest there. It's the facts that speak for themselves.

**Mr Gerretsen:** I'm not thinking so much of that. You wouldn't, obviously, be involved in the reassessment of a property owned by yourself, a family member, a close friend or other relative etc. But let's assume that you were involved either in an ownership capacity or as a listing agent or a broker with a particular kind of commercial property, and at the same time you were asked to deal with an interpretation on another commercial property that somehow could be—they're not connected but in the same general classification—would you not think there may possibly be a conflict? If you gave a decision which may lower the value or lower the taxes on a particular property—I know we're only talking about market value and then you take the assessment rate to get the taxes—ultimately, if you were involved in setting the tax rate for a particular property and you were involved with like properties in the same general area of eastern Ontario, that may very well affect the value of properties that you yourself either have a personal or a business interest in, would you not think there's a possibility of a conflict there?

**Mr Guindon:** First all, the impression I left: I was a realtor and I left. I don't belong to the real estate board and I don't have a valid licence at this time.

**Mr Gerretsen:** When did you leave that profession, sir?

**Mr Guindon:** In 1994.

**Mr Gerretsen:** What do you do now, if you don't mind my asking?

**Mr Guindon:** I am self-employed and doing mostly volunteer work.

**Mr Gerretsen:** I see

**Mr Guindon:** I do some volunteer work for the city of Cornwall and for my community. It gives me a chance here to plug the city of Cornwall. There's a new avenue or venture that's being established in revitalizing an older part the city and we're doing it with contributions, and also with contributions from the city. If there are older, dilapidated properties in the community that have been neglected, we will look after making sure that they are bought, rebuilt or renovated, resold or whatever. It's quite a project.

**Mr Gerretsen:** Let me ask you one other question and it's a general question. In your discussions you may have had with people at the board, to orient you to this thing if you were appointed etc, is it your understanding that you will be sitting on assessment review applications in Cornwall, as well, or has the department, as far as you know, basically made a decision that people are not expected to sit as assessment review officers in their own community? Do you know anything about that at all?

**Mr Guindon:** No, I don't. I had one phone call from the chair and his only concern was how much time I could give him, and he was satisfied with the answer I gave him. I'm also ready to travel the province. If there's any way, I would even prefer if it wouldn't be in my own community, just for perception.

**Mr Gerretsen:** How much time do you think will be taken up with this duty in the first year or couple of years? Is it your understanding that it will be quite extensive, from talking to him?

**Mr Guindon:** No, we didn't talk about that.

**Mr Gerretsen:** You just gave an answer to a question that he asked you about how much time you were prepared to put—

**Mr Guindon:** Yes.

**Mr Gerretsen:** How much time do you think you will be putting into it?

**Mr Guindon:** He asked me if I was prepared to give him a two-week block per month and I said yes.

**Mr Gerretsen:** Two weeks, OK. Thank you very much and good luck. You'll have a big job ahead of you.

**Mr Bruce Crozier (Essex):** Do I have any time?

**The Chair:** Yes, Mr Crozier, you have two minutes.

**Mr Crozier:** Welcome. Just to continue with some of the questioning of my colleague, how much would you be paid per day as a per diem?

**Mr Guindon:** I'm not sure. I have read papers and in one case I've seen \$34 an hour, but I have not asked. The information I was given was about \$200 a day.



**Mr Crozier:** So \$200 a day; that's great. The reason I asked is that at the current time I have some people in my riding, 40 deckhands and dockhands who are on strike and the government won't help them out. They make \$14 an hour and they're asking for 42 cents an hour. So I may take that back and say, well, we appoint people with no experience in the particular board you're going on and you get a couple of hundred bucks a day. That's pretty good. I'll take that back.

**Mr Guindon:** You'll have to check that. I'm sure you know the answer better than I do.

**Mr Crozier:** No, quite frankly, I don't.

**Mr Gerretsen:** They don't tell us very much, sir.

**Mr Guindon:** It must be public information.

**Mr Crozier:** It probably is.

**The Chair:** Thank you for your questions. Your time is finished, members of the official opposition. We have now completed the three parties' questioning. Thank you, Monsieur Guindon, for being with us today.

#### CAROLE JOY KERBEL

Review of intended appointment, selected by third party: Carole Joy Kerbel, intended appointee as member, Toronto District Health Council.

**The Chair:** Our next intended appointee is Carole Joy Kerbel. She'll correct my pronunciation, if necessary. She's an intended appointee to the Toronto District Health Council. As you know, we have the opportunity for intended appointees to make an initial statement. I should welcome you to the committee to begin with.

**Ms Carole Joy Kerbel:** Thank you for inviting me here. I would like to make an opening statement. I understand that some of you may have seen my CV, but I'm sure that with all the paper you have in front of you, there might be some parts of it you may not remember. Allow me to say the following:

I have been involved in the health care field for close to 20 years and began at a very early age to have an interest in health care issues as a result of working with emotionally disturbed and autistic children after finishing school.

I began my career in public relations by working in the community. I went back to school as a mature student and as a mother and wife at the same time, and shortly thereafter opened up my own agency. Within a few years I began to focus on health care and went on to form Kerbel Communications and became a specialist in health care public relations. I concentrated on creating national public education programs about disease management; continuing health education programs for health professionals and providers, doctors, nurses and pharmacists; consumer awareness and education programs on disease prevention and health promotion.

Being a member and an active volunteer in the Toronto community and a skilled manager and senior executive, as well as a professional public relations and communications consultant, I was asked to sit on various boards and commissions: the Toronto Transit Com-

mission, the Toronto General Hospital, the Toronto Zoo, the Toronto Licensing Commission and Exhibition Place. My skills were put to good use in each instance. I became involved in the operations of each organization and initiated a number of changes in policy and direction. I would hope that my leadership skills were reflected in the fact that I was asked to submit my name for reappointment in all of those boards and commissions, save the TTC, which eliminated citizen appointments.

As a consultant, I've had the privilege of working on a variety of assignments in the health care field. I've assisted hospitals in change management activities. I've provided advice in crisis management to health care organizations across the province. I've provided strategic advice to companies and organizations and associations so as to better deal with the health care initiatives in this province. I have facilitated consultations with stakeholders on a number of issues and worked with community groups, providers, home care groups, employee groups, management and patient advocates, to name a few.

I'm still active as a consultant and have recently expanded my interest to include the area of e-health. I believe I am qualified to serve as a member of the Toronto District Health Council.

1030

**The Chair:** Thanks, kindly. I'm going to start with the government caucus.

**Mr Wood:** We will reserve our time, Mr Chair.

**The Chair:** We'll go to the official opposition.

**Mr Gerretsen:** Good morning. I noticed from your resumé that you were involved with the Hotel Dieu Hospital in Kingston, which is my hometown. What kind of work did you do for them, if you don't mind my asking?

**Ms Kerbel:** After the hospital services restructuring commission mandated that the Hotel Dieu change the way it must operate and in fact close down and become an ambulatory care centre, we were asked by the sisters and the management to assist them in explaining those issues to the community, and to assist them in developing a communications plan as they went through the ensuing months to try to convince the HSRC that perhaps it might not have been the right decision, but to make sure the community understood that Hotel Dieu was going to be there for them.

**Mr Gerretsen:** Did you agree with the decision of the Health Services Restructuring Commission to close the Hotel Dieu Hospital, which been operating in Kingston for 150 years, providing good care to the people of southeastern Ontario?

**Ms Kerbel:** It wasn't my place to agree or disagree, sir. I was a consultant to that particular assignment and I became involved with the issue as a result of being retained by Hotel Dieu and its management.

**Mr Gerretsen:** Did you find it kind of odd that for two years the government stonewalled the situation and, as you know, the Hotel Dieu sisters had to take their case all the way up to the Supreme Court of Canada. The Minister of Health never gave an inch, not even allowing



the sisters to, in effect, run their hospital until the new facility was built, and then all of a sudden the Premier comes to town and at a fundraiser and in an offhand remark to one of the reporters he said, "Oh, yes, the sisters can continue to run their hospital," and the next day the Minister of Health sent them a letter saying, "I guess you can run the hospital until the new one gets built." Did you find that odd, as a consultant, that all of a sudden government policy could just change overnight?

**Ms Kerbel:** I've been a consultant for a number of years in this province and I really don't find anything odd any more. There are a number of issues surrounding health care, and I think that to be ahead of them you have to understand that things are very complicated and there are no quick answers.

**Mr Gerretsen:** Do you agree, then, with the Premier's position now that the sisters should continue to run their hospital?

**Ms Kerbel:** I'm not a consultant to them at this time any more and I haven't—

**Mr Gerretsen:** I'm just asking you, being so knowledgeable in the health care field, do you agree that maybe they should? You agree with the Premier on this, surely.

**Ms Kerbel:** I agree with the decision that hopefully will be the right decision for the community. I think there are a lot of issues and a lot of aspects to the decision. Having been part of the community communications program, whatever is going to continue to provide that health care service to the community would be the right decision.

**Mr Gerretsen:** You know that petitions were taken up and signed by 70,000 people in the Kingston area wanting the Hotel Dieu to stay open.

**Ms Kerbel:** Yes, I'm aware of that.

**Mr Gerretsen:** I see that you were involved with the Toronto Zoo. Do you think that is sort of a special qualification you need in order to deal with this current government, since you're going to be part of the district health council in Toronto?

**Ms Kerbel:** I would hope there's not a hidden question somewhere in that.

**Mr Gerretsen:** No, of course not.

**Ms Kerbel:** I listed my various appointments to boards and commissions to demonstrate that I have very deep roots in the Toronto community. In fact, the appointment to the Toronto Zoo was one of the first appointments I had many years ago, but it does at least explain that I know all aspects of what happens in the Toronto community from cultural to social to community service.

**Mr Gerretsen:** By the way, I'm a great supporter of the zoo. I took my children there when they were younger many times. It could be very beneficial, having worked with animals, to help you in this new job. I'm not making any kind of aspersions there at all. It might just happen.

Let me ask you quite seriously, where do you feel the private health care system, the privatization of certain

aspects of our health care system, fits into the public health care, medicare system we have in Canada? This is a great concern, as you well know, not only here but in other countries as well. Undoubtedly, the district health council—I was on the one in Frontenac county for a number of years, some 15, 20 years ago. There's a great concern that a lot of different services will be privatized. People are concerned about it. Where do you think private health care plays a role in our health care system?

**Ms Kerbel:** With regard to the district health council, I'm not sure whether that is an issue that they are looking at right now. Not having been a member of that board, I wouldn't know whether that's an issue.

With respect to your question on private health care, I think that's a debate that will go on for some time. I don't believe there is an easy answer that I can give you. I'm just one person in the health care industry. I watch the debate, I listen very closely, and I look for opportunities to find ways to better serve the citizens of Ontario with the delivery of health care.

I'm not sure at this point what that would take, but I do believe that the process of delivering health care and the process of changing the way health care is delivered is the result of a number of factors that you obviously know about. We have to look at what is going to make the consumer, the patient, the citizen, properly cared for so that they have the access they need to the service when they need it and where they need it and what they need.

**Mr Gerretsen:** I'm very encouraged by that answer because I think that in much of the debate that has taken place, the patient or the consumer or the citizen is hardly ever mentioned. We always seem to be talking about governance and structure more than what it's really all about, and that is, are people going to be better off with a certain kind of health care delivery than with another kind? Would it be fair to say then that you are approaching this position without any inherent biases either towards the totally publicly run system or a private system?

**Ms Kerbel:** I think it would be fair to say that I'm approaching this position with a very open mind, with a focus on the needs of the community.

**The Chair:** Mr Crozier, you have two minutes.

**Mr Crozier:** Welcome. I wish you well in your appointment, which I have little doubt will be affirmed this morning. I'm always curious though—you're a very busy person; did you seek this appointment?

**Ms Kerbel:** I was asked some time ago to submit my curriculum vitae to the minister's office. I've been very involved in health care in this province. As the result of people knowing my involvement, they asked to see that and I was asked if I would be interested.

**Mr Crozier:** Are you aware whether anyone else was asked to submit a—

**Ms Kerbel:** No, sir.

**Mr Crozier:** Just simply not aware.

**Ms Kerbel:** I'm not aware.

**Mr Crozier:** Yes. OK. Well, I wish you well.

**The Chair:** Mr Martin.



**Mr Martin:** Thanks for coming this morning. It's certainly an impressive resumé, a lot of good work on your part in some very important sectors of our community. As you know, there's a very important and current debate out there right now about the health care system and where it should go, whether it should be private or public or some combination of the two. The debate that happened in Alberta around Bill 11 raises some red flags for a whole lot of us. What's your view? Should health care in Canada continue to be publicly funded, publicly delivered?

**Ms Kerbel:** As I mentioned before to the previous question, I am closely watching the debate on whether it should continue to be fully, 100% a public health care system. The system has served us well in the last number of years.

I come to this position, should I be given the privilege of serving on the council, with an open mind, as I said, to try to determine what it's going to take to continue to deliver the system that we all expect to have when we want it. There really isn't a yes or no answer to that question as far as I'm concerned. I don't believe in throwing out the baby with the bathwater. I believe in looking at what we have and seeing how we can improve upon it if possible.

1040

**Mr Martin:** I hope that you do come with an open mind. However, I have to be impressed with the connection that you have with some very important private sector corporations, the work that you've done in crisis consulting, issues management and public relations. It worries me that under the pressure of having to make decisions in a system that's crying out for attention, that's in some high degree of crisis at the moment, your fallback position may be not so much open as to—you know, "This is what I've done in the past and this is my experience and this is my view because of where I come from." You don't think that's going to happen?

**Ms Kerbel:** I don't believe it will happen. I think I have the right sense of balance, if you call it that, to understand what is going to be necessary to make the right decisions about certain issues. I have worked throughout my career for both the public sector and the private sector on various assignments, and I have always brought that sense of understanding and balance and clear thinking to any of the issues that I have been involved with. That's what I hope to bring to this position as well, depending on what the issues are. I don't necessarily represent one aspect or another. I tend to look at all parts of an issue, all sides of an issue and try to work in order to help people make the right decision for the right reasons.

**Mr Martin:** The concern I have as well is in terms of some possible conflict of interest, given some of the organizations that you worked for in your professional life and some of your history advising operations like Corrections Corp of America, for example, that have moved into Ontario and are interested in the privatization of our jails and the work that you did with the Ontario

Gaming Operators Association in terms of some of the casinos that we have in the province and the fact that your company, and perhaps yourself, is registered as a lobbyist with the government. Do you not see any potential there for conflict of interest or—

**Ms Kerbel:** I personally am not a lobbyist. I have been a consultant in the communications field for well over 20 years. I take on assignments as my clients ask me to. However, at this time I am not involved in the hands-on operations of the company that I work with. I have been appointed chairman, which is an honorary position. It allows me to take a look at the quality control of the company, the way in which the company deals with the various issues. I personally am not involved at this time in those projects nor am I a lobbyist.

**Mr Martin:** The health care system at the moment is in quite a state. That's putting it mildly. No matter where you look in Ontario today and no matter what newspaper you pick up, it seems there's another story about some difficulty somewhere. You're being asked to consider appointment to this organization. You don't think if you were brought in to maybe bring your public relations, crisis management skills, to a circumstance to help the government sort that out—would that be—

**Ms Kerbel:** Those are just some of my skills. I believe that my knowledge of health care and my commitment to community interests in health care are probably more the priority reasons as to why I would have been asked to serve on this council. I have a history of being in the consulting business. That's my profession. But I would think that what I have done in health care and how I have been able to represent all facets, from the patient to the consumer to the provider, and to understand all of the issues surrounding the delivery of health care, is what would have attracted me to those who asked me to serve on this council.

**The Chair:** All questions are now completed and we thank you very much for being with the committee today. You're allowed to step down.

We now go to what's called other business, and that is, dealing with the—

**Mr Wood:** We're not going to deal with concurrences? Are we going to concur on these people?

**The Chair:** Yes. We're going to deal with other business, which is concurrences.

**Mr Wood:** OK. I thought the concurrences were included. Carry on.

**The Chair:** Thank you. I'll accept the normal motions that would follow our interviews with the particular intended appointees.

**Mr Wood:** I move concurrence in the intended appointment of Mr Guindon.

**The Chair:** Concurrence in the appointment of Mr Guindon has been moved by Mr Wood. Any discussion, first of all? I have Mr Martin and I have Mr Spina.

**Mr Martin:** I just want to say that I'm fairly comfortable with this appointment. I hope that nobody read into my question of whether the appointee was a Conservative that I feel that should be held against him. The fact that



he served as a member of this august assembly for some period of time is something that I think we should all hold in some esteem around this table, given that we'll be there one day ourselves, and we hope that others will look on us as having—

**The Chair:** Speak for yourself.

**Mr Martin:** Well, at some point, unless we die in office—and that our expertise and experience would be worth something and that we would be considered. The only point I was trying to make there was that we see a lot of appointments coming through here these days that have some very direct political connections to the governing party, and I guess that's fair. I suppose all parties did that when they were government, although not to the degree that we're seeing these days. It seems anybody with a blue card—although there's some question right now as to just how blue that card is and whether in fact you might get an appointment or not. I think that was the comment by my colleague from Kingston.

**Mr Crozier:** Blue light or—

**Mr Martin:** Whether it's blue light or dark blue or whatever is the question at this point in time.

Having said all of that, I will be supporting the appointment of Mr Guindon to this board, hoping that he will do a fair and equitable job and consider all factors and help us sort out the mess that we find ourselves in right now where this business is concerned.

**The Chair:** Any other comments? Mr Spina, you wanted to comment.

**Mr Joseph Spina (Brampton Centre):** I was just going to ask for a recorded vote. But I'll make a comment that, frankly, what happens in Ottawa is a pox on all our houses. We in Ontario are what we are, period, and that is the Ontario PC Party. I would ask for a recorded vote, if I may.

**The Chair:** That's fine. Very good, Mr Spina.

**Mr Gerretsen:** I wasn't going to say anything, but I believe that Mr Spina has provoked me sufficiently to call on a response. I would like him to declare publicly here whether or not he's a true Conservative or whether he supports Mr Long as a card-carrying Reform member.

**The Chair:** I'm declaring that question out of order. Mr Spina will indicate whatever Mr Spina wishes to and we cannot question Mr Spina, only the applicants.

**Mr Gerretsen:** Thank you very much, Mr Chair. I think it's an excellent ruling.

I support Mr Guindon. I think that he will make an excellent member. But I would just caution—particularly with people who are involved in the real estate business and may have some real estate holdings themselves—that I don't know where he's going to do most of his hearings, but if there are hearings to be held in the Cornwall area and if he still has real estate interests there, a ruling on a particular kind of property about which he or his family is not involved at all, or what have you, could affect the value of his family's as well.

I would just make a request to the government lead person on this, the eminent Mr Wood, that perhaps a discussion should be held with the chairman of the board

to ensure that members—and I'm not just pointing out this particular applicant—of the Assessment Review Board in general should not be involved in hearings in their own community. I think it will give much greater credence to the general public that there isn't anything untoward going on. I mean that not in a partisan sort of way, but I think the system itself would be the better for it.

1050

**The Chair:** A recorded vote has been requested. All in favour?

### Ayes

Beaubien, Crozier, Gerretsen, Johnson, Martin, Spina, Wood.

**The Chair:** That has been carried unanimously. And our second appointment?

**Mr Wood:** I move concurrence in the intended appointment of Ms Kerbel.

**The Chair:** Any comments? First of all, Mr Martin—you had your hand up first—and then Mr Gerretsen.

**Mr Martin:** On this one, I'm afraid I'm just too uneasy and uncomfortable, and I think I speak very competently on behalf of my caucus when I say that even though this person has tremendous credentials and background for connection with the private sector, her openness to the possibility of moving down the road of private-public partnerships, of that kind in any way, in the health care system in this province, which will lead eventually to the whole country, worries me deeply and greatly.

In my view, this appointment is just too convenient. The intended appointee comes to this with a wealth of experience in working with the private sector in lobbying government and working with government in the better interests of the corporate entity that she is contracted to, and is obviously quite successful in that work, and that worries me as well in that I cannot say more seriously and more profoundly that I and my caucus and the NDP in general across this country oppose unequivocally any move to privatize or partner private-public our health care system that we've all spent so long building up, that we've all contributed to and that has positioned us in many significant and serious ways, whether it's from an economic advantage perspective, whether it's from a social perspective or a moral and ethically perspective, as leader in the world where the delivery of health care is concerned.

Yes, there are some difficulties and I think those difficulties have been identified: a shortage in funding from both the federal and provincial governments where health care is concerned. I believe that if that money were there, if the federal government and the provincial government were as cognizant of the real need that's there as I think the majority of Canadians are, they would do the right thing and we wouldn't be in the mess that we're in and we wouldn't need the services of people such as the



intended appointee here this morning to fix this crisis, to put together a public relations plan to sell the new privatized, semi-privatized, public-sector/private-sector arrangement that I believe is being cooked up in the backrooms of this government and that we will be seeing in the not-too-distant future rolled out and become the order of the day if some of us don't stand up and say no as often and as loudly and as effectively as we can at every opportunity.

With certainly no personal criticism of the intended appointee's abilities here this morning, from that philosophical stance and from my sense of where this might be going, I will not be lending the support of my caucus to this appointment.

**The Chair:** Monsieur Beaubien.

**Mr Beaubien:** I will definitely be lending my support to this particular individual. Unlike Mr Martin—I don't know which backrooms he's talking about—I was quite impressed, and I think Mr Martin was quite impressed when the applicant stated that one of the criteria in assessing the private-public sector with regard to medical needs was that the patient would play a major role and I think, if you remember, we would take that into consideration. If we kept our eyes on the patient as opposed to political ideology and other issues and turf protection, maybe the public would be better served, not only in Toronto, not only in Ontario but probably in Canada.

I find it difficult to believe that anyone would hold a wealth of experience as an impediment to appointing somebody to a committee. The CV of this individual, whom I do not know personally, gives us a picture of a person who's very well qualified, who has been involved in their community for a number of years, who is dedicated and who has the experience and the knowledge to deal with the appointment that she has been asked to apply for.

I find it difficult to believe that you would withhold your support for a person because the person has been involved with the private sector. The private sector has played a major role in where we are today in our society in Ontario. Without the private sector, where would we be? You talk about the private sector being involved. You should look at the social housing programs you had during your stay in government and you should be ashamed that you probably spent more money on consultants prior to erecting the facility than you spent on building the facility.

Consequently, with these comments I'll definitely support this individual.

**The Chair:** Any other comments?

**Mr Beaubien:** I would ask for a recorded vote also.

**Mr Gerretsen:** We did not ask this applicant her political affiliation and, as I indicated before, not that it matters much, but certainly in her approach to the issue she seemed to me to be very liberally minded.

Having said that, I'm always encouraged when I see that somebody has been appointed by a municipal council to various boards and commissions. I always feel that at the municipal level we don't have the partisan politics

that we do at this or the federal level. Yes, obviously politics are played as well because it is a political body, but people aren't necessarily appointed because of their political stripe one way or the other.

When I look at her application, she was the city of Toronto's representative on the Toronto General Hospital board for eight years. She was a Toronto council representative at the Toronto Transit Commission as a commissioner. She was also appointed by the Toronto council to the Toronto Licensing Commission. I can only assume from that—and I hope that my assumption is correct, and I've got no reason to disbelieve it—that this person is extremely competent when she sits on these boards and commissions or else she wouldn't have been appointed to all of these.

Even if something is a purely political appointment, and it does happen from time to time even at the local level, normally with those kinds of appointments, if they bomb, the person just simply doesn't get reappointed to anything else. This individual has an extremely good resumé when it comes to her commitment to her community. That's why we will be supporting it.

There's just one other comment I want to make. We tend to forget that the private sector is already largely involved in the health care system. I don't know what it is from a dollars-and-cents viewpoint, but when you look at the number of private companies that are out there, when you look at the different drug benefit plans etc, I think—what is it?—up to 40% of the total money that's being expended on health care in the province goes in effect to private companies.

I certainly agree with Mr Martin. One thing I've committed myself to is to fight tooth and nail to make sure that the five principles of the Canada Health Act are going to be preserved, regardless of who pays the bills, and that we continue with our publicly funded health care system and not allow the intrusion of private health care to come into the system any more than it already has.

I agree with Mr Spina. I think the fact that she talked about the potential patients, the consumers, as being the most important individual or group to worry about—everything should start there. Rather than from the top down, it should start from the bottom up. I will be supporting this nomination and wish her well.

1100

**The Chair:** If no one else wishes to speak, we've had a request from M. Beaubien for a recorded vote.

#### Ayes

Beaubien, Crozier, Gerretsen, Johnson, Spina, Wood.

#### Nays

Martin.

**The Chair:** The motion is carried.

Any further business to come before the committee?



**Mr Gerretsen:** I would like to raise one issue. I realize I'm not a regular member of this committee, but I believe it is really in the public interest—it almost demands it, particularly when one looks at everything that's gone on over the last six months, and since it is the standing committee on government agencies—that this body immediately look into the whole operation of the Ontario Realty Corp. I would move that as a motion, and I hope to get unanimous support on that from everyone here to look at the structure of the organization. I think the public demands it.

The mood of the House by the majority party does not seem to indicate that currently, but I would hope that with the four prominent Conservative members we have here—we have the Deputy Speaker here. He's certainly a very prominent individual in the House. We have M. Beaubien here from Lambton county, a well-known individual. Need I say anything about Mr Spina at all? He certainly comes well equipped to look into this. And of course I shouldn't forget Mr Wood, who is the absolute epitome of what it takes to make sure the government gets its appointments through this committee. He has been very effective in doing that over the last number of years.

I'm sure these gentlemen will agree with me, as will, I hope, Mr Martin, that an immediate review of the Ontario Realty Corp be conducted by this committee, and I would move that as a motion.

**Mr Crozier:** Could we have a recorded vote?

**The Chair:** First of all, I should say to you that the committee rules say that any motion that is brought forward must be in writing for members of the committee to consider. I'm informed that the motion is in order, but it can only be dealt with if we have a written—

**Mr Gerretsen:** I'm putting it in writing right now, Mr Chair.

**The Chair:** It must be in writing for members of the committee to be able to see because they don't want to vote on something they just heard. Are there any comments, by the way, about challenging it or anything like that?

**Mr Wood:** I have a comment. We're opposed to this motion. The proper procedure is to submit this to the subcommittee, which already has a list of agencies they wish to review. I have no objection to it going on that list, but I would encourage Mr Gerretsen to submit it to the subcommittee, which can then place it on the list and deal with it in accordance with the direction of the committee.

**The Chair:** Thank you for the advice, Mr Wood.

**Mr Martin:** I'd be supportive of this motion. It's very current and topical. It could be considered, I think, an emergency situation. If there are other agencies on that list—and I'm not sure which ones they are; I may have put a couple on myself—I would be willing to stand those down in the interests of having this particular corporation come before us and doing it as quickly as possible. I would certainly be supportive of that motion.

**Mr Crozier:** It may be that the standard procedure is to take a motion like this before the subcommittee, but the members of the subcommittee will recall, and I suspect that the other members of the government caucus were aware, that prior to the intersession, near the end of December, we in the committee collectively—other than participation by Mr Wood—suggested some boards and agencies that should be reviewed at that time. We discussed it at some length and then the answer from Mr Wood was, "My members don't want to review any of these during the intersession."

**Mr Gerretsen:** Oh, no.

**Mr Crozier:** I was extremely disappointed in that. Therefore, if we can't deal with that sort of thing at the subcommittee and get our points across, I think it's appropriate that a motion like this be brought before the whole committee.

**Mr Wood:** I'd like to add to what Mr Crozier has said. The authorization to deal with that in the intersession had to come from the House and it was not forthcoming.

**Mr Crozier:** We didn't ask them, for God's sake.

**Mr Wood:** We certainly didn't ask them.

**Mr Crozier:** You just put your foot on it and said: "We're not going to talk about those kinds of things. We don't want to go"—

**The Chair:** Order. Mr Wood has the floor.

**Mr Wood:** We did not indeed see it appropriate to deal with that in the intersession. As far as I know, neither of the other two House leaders put it forward either.

**The Chair:** Mr Gerretsen.

**Mr Gerretsen:** Just a comment to that. Normally the House leaders will only put it forward if they're requested by a committee to do it for a certain period of time. I wasn't trying to subvert the subcommittee at all. This is a general statement that this is an agency that ought to be looked at. Undoubtedly, if this motion passes, the subcommittee would have to work out the details of it.

I think the public cries out for this kind of review. This is a government that believes in putting taxpayers' dollars back into their pockets. Surely they will agree that from all of the stuff we've heard in the House, and the millions and millions of dollars that have been lost from the public purse as a result of some of these land deals, it is high time we review not those particular situations, but that we review the effectiveness and the whole workings of this agency as soon as possible. That's the intent of the motion. If it passes, the subcommittee can then immediately work out the details as to how it can be done.

**The Chair:** Do any of the government members wish to speak? First of all, I better go to Mr Johnson. He hasn't had a chance yet.

**Mr Bert Johnson (Perth-Middlesex):** Just a couple of comments, Mr Chair. I have, over the last number of years, been a little bit involved in two of the properties that were owned by the Ontario Realty Corp. From my point of view, I wouldn't like to see anything this committee does delay or usurp the criminal investigations



that are going on at the present time. That's why I will not be supporting this particular motion.

**Mr Gerretsen:** Are you saying you're under criminal investigation?

**The Chair:** No, he did not say that. Mr Martin.

**Mr Martin:** I just want to correct the record or to at least put on the record my view of what happened before we rose at Christmastime.

I brought it to my House leader that we wanted to review at least two public agencies during the intersession. We were of the hope that you were bringing it to your House leader so that it could in fact be discussed there, but from what our House leader tells us, there was no appetite on your side to do that kind of thing, to review those agencies. I raised it here—it's on the record; it's in Hansard—and spoke to it very passionately, laying out my thoughts on why I thought we needed to do that. I brought it to my House leader and we just were not able to push that forward. We were not able to make it happen. I think if you check the record, Mr Wood, you'll see it's very clear from your side that you folks just weren't interested, so to hang it on some technicality is incorrect, in my view.

**Mr Wood:** Mr Martin is quite right in saying that we didn't think the agency should be reviewed during the intersession. As far as I know, it was not brought up by any of the House leaders at the House leaders' meeting, though I wasn't there so I could stand corrected on that.

**The Chair:** Any other comments that are relevant to this?

**Mr Crozier:** Just to add to the record here—of course at subcommittee there is no Hansard—I can recall very well that we were sitting in the west members' lobby and that Mr Wood, as he has just said, expressed that there was no appetite for doing that during the intersession. I just wanted to emphasize that I was disappointed at that time. That's why I support Mr Gerretsen's motion being brought to the full committee meeting.

**The Chair:** Any other comments?

**Mr Crozier:** We will have a recorded vote.

**The Chair:** Mr Spina has a comment.

**Mr Spina:** I actually have a question here. In order for this motion to come forward, does it not require unanimous consent?

**The Chair:** No. The motion is in order. Items of business of this kind can be brought forward to the committee at any time.

**Mr Spina:** It's also my understanding that all of the committee members are to see the motion in writing. Or does it just have to be submitted to the Chair?

**The Chair:** I think it is submitted to the Chair and it is read by the Chair or the clerk. If you'd like it read it again, I'll be happy to have it read again because it's important we know exactly what it says.

**Mr Spina:** I would ask that that be done.

**Clerk of the Committee (Mr Doug Arnott):** Mr Gerretsen has moved that the standing committee on government agencies conduct an immediate review of the Ontario Realty Corp.

**Mr Spina:** In view of the specificity of the request of the motion, I would be opposed to it. I was under the impression that this was a discussion on the general context or review of agencies. I agree with my colleague that, considering that the investigations are being undertaken now within ORC and a restructuring process has resulted or will be resulting from the conclusion of that investigation, perhaps this might be something to be considered when that is entirely done. At this point, I would oppose the motion.

**The Chair:** Any other comments by any other member of the committee relevant to this motion?

**Mr Gerretsen:** Is it possible, Mr Chair, for me to take back from the record all the positive comments that I made about the government members?

**The Chair:** No. I think that once it is on Hansard, it is there forever.

We've had a request for a recorded vote. I'll call the motion now.

#### Ayes

Crozier, Gerretsen, Martin.

#### Nays

Beaubien, Johnson, Spina, Wood.

**The Chair:** The motion is defeated. Any other business for the committee? I'll entertain a motion to adjourn then. Mr Wood moves that we adjourn. All in favour? Carried.

*The committee adjourned at 1114.*





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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Thursday 13 July 2000

# Journal des débats (Hansard)

Jeudi 13 juillet 2000

**Standing committee on  
government agencies**

Subcommittee reports

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapports du sous-comité

Nominations prévues



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 13 July 2000

Jeudi 13 juillet 2000

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James Bradley):** I'm going to call the meeting to order, since people have endeavoured to be here at an appropriate time. I'm sure all other committee members will be coming in as soon as they can; I know the traffic is bad.

The first item on the agenda is the report of the subcommittee on committee business dated Thursday, May 18, 2000.

**Mr Bob Wood (London West):** Mr Chair, I'd like to move adoption of the reports of the subcommittee of May 18, May 25, June 15, June 22 and June 29, 2000.

**The Chair:** Thank you very much, Mr Wood. That's very helpful. Any discussion?

All in favour? Opposed? Carried.

**Mr Wood:** I would also like to move a motion with respect to extending until tomorrow—and I'm asking for unanimous consent for this motion—the time for consideration of Mr Leach, Ms Keleher, Mr Holyday, Mr Nori, Mr Rohrer, Mr Laakkonen and Mr Sandiford.

**The Chair:** Thank you for that motion. That motion enables us to legally deal with the people we're dealing with today. So I thank Mr Wood for that motion. Any discussion?

All in favour? The motion is carried.

## INTENDED APPOINTMENTS

## AL LEACH

Review of intended appointment, selected by official opposition party and third party: Al Leach, intended appointee as member, Toronto Police Services Board.

**The Chair:** The first individual to come before the committee this morning is no stranger to the committee. It's Mr Allan Leach, who is an intended appointee as a member of the Toronto Police Services Board. Good morning.

**Mr Al Leach:** Good morning, Mr Chair. It's very nice to see you again.

**The Chair:** It's always nice to see former members of the Legislature and familiar faces before the committee. Believe it or not, we see a lot of familiar faces before the committee. That's always nice to see.

**Mr Leach:** And always have.

**The Chair:** As you know, Mr Leach, the procedure we follow is that the appointee has an opportunity to make an initial statement and then we proceed in rotation. Welcome to the committee.

**Mr Leach:** Good morning, ladies and gentlemen. My name, for the record, is Al Leach. I'm interested in becoming a member of the Toronto Police Services Board.

I believe that most of the members of the committee know me and also have a copy of my resumé, so I will keep my opening statement quite brief.

Should I be appointed, I believe my overall background and experience would enable me to be a good member of the police services board and make a positive contribution. As you know, I was the chief general manager of the Toronto Transit Commission for approximately eight years, from 1987 to 1995, and there are many similarities between the Toronto Police Services Board and the Toronto Transit Commission; for example, the number of personnel and the size of the budget. They're both very public organizations. By that I mean they come under continuous public scrutiny with respect to the quality of services they provide. Both are overseen by a board or a commission that is responsible to city council, but both have some degree of independence from council. Both monitor the performance of senior staff and both are responsible for collective bargaining and, in consultation with the staff, develop a budget for presentation to Toronto council.

I believe my TTC experience, certainly when dealing with administrative matters, would be of considerable benefit should I be appointed as a member of the police services board.

As you also know, I was the member of provincial Parliament for the former riding of St George-St David from 1995 to 1999. As all members of this committee are certainly aware, one of the responsibilities of an MPP is to be active in the community, and my riding was probably one of the most diverse in the province of Ontario. This diversity gave me the opportunity to deal with a multitude of issues that covered a broad segment of the population. This experience gave me the opportunity to understand many of the complex problems facing the residents of the city of Toronto. I worked closely with the police, particularly 51 division, to deal with many of the issues. I also had the opportunity to work with local residents' groups and community organ-



izations, as well as numerous social agencies in the city. I believe this experience would also be of considerable benefit in dealing with issues facing the Toronto Police Services Board.

I should also point out that prior to coming to the TTC, when I was the managing director of GO Transit, I was a member of the city of Toronto Crime Stoppers committee—again, experience that would be of benefit should I be appointed as a member of the Police Services Board.

In closing these very brief remarks, ladies and gentlemen, I would like to say that I am 64 years old. I have lived in the city all of my life. The community has been very good to me; this community has been very good to my family. I see serving on the Toronto Police Services Board as an opportunity to give something back to this community.

Thank you, ladies and gentlemen of the committee. I would be pleased to answer any questions you may have.

1010

**The Chair:** Thank you very much, Mr Leach. We'll start with the official opposition.

**Mr Rick Bartolucci (Sudbury):** Welcome, Al. Only a very few questions from me and then I'll turn it over to George.

Have you spoken to Steve Tracey or Ron Smallbone of the juvenile task force in 52?

**Mr Leach:** No, I haven't.

**Mr Bartolucci:** Are you aware that there is a very severe problem with regard to children being sexually exploited and abused through prostitution in Toronto? Are you aware of this problem?

**Mr Leach:** I am aware of the problem to the extent of what I've seen of it in the media. I know it's a serious problem. It's certainly a serious problem in the downtown core, the area I represented, and something that I know the police are actively working on. But it needs a lot more work.

**Mr Bartolucci:** Exactly. They're hampered because there's no legislation in place in Ontario to deal specifically with the problem. There are, though, two bills on the order paper, Bill 6 and Bill 32, both private members' bills introduced by myself that have a broad range of support. Certainly Chief Fantino is in support and the police association is in support of both of those. Are you prepared to support legislation similar to Alberta's legislation which will give the police the tools to deal with this problem?

**Mr Leach:** I would support any measure that would give the police the tools to deal with that type of problem. Of course I would want to see the legislation, be aware of the legislation, before I passed any specific comments on it, but in principle I certainly would support that.

**Mr Bartolucci:** Yesterday I mailed to you a copy of both pieces of legislation in anticipation that your answer would be positive. You will be receiving them very shortly. I would ask you to peruse them. I would ask you to consult with the chief and certainly the task force

members, Steve Tracey and Ron Smallbone, and Craig Bromell of the police association. I look forward to you actively lobbying the government to get off their duffs and do something about the problem we have across the province of Ontario. Thanks, Mr Leach.

**Mr George Smitherman (Toronto Centre-Rosedale):** It's always good to see constituents of mine before a legislative committee. Mr Leach, a preliminary question: do you intend to be a candidate for chairman of the police services board after the municipal elections this fall?

**Mr Leach:** I can honestly say I really haven't put my mind to that. I indicated an interest in becoming a board member. I don't know whether I could make the time available to be chair. But I haven't thought about it. We have a chair at present. To the best of my knowledge, his term has a considerable time to run.

**Mr Smitherman:** Would you like to take an opportunity to take yourself out of running for that position?

**Mr Leach:** No, I would never close my options.

**Mr Smitherman:** As Minister of Municipal Affairs and Housing in the government, you facilitated the largest downloading on municipalities. The city of Toronto believes that it has been subjected to a quarter of a billion dollars' worth of costs on an annual basis. At the same time, there has been a fairly precipitous decline in the number of uniformed officers on the streets of the city of Toronto, and many people have drawn a link between these things. Could you offer some comment on the extent to which downloading may have contributed to the decline in the number of uniformed officers, but more particularly focus on the issue of the number of uniformed officers and offer some comment as to how much of a concern that causes you.

**Mr Leach:** I find that a bit puzzling because I know that since 1995, when the Solicitor General announced a program to add 1,000 net new officers to the streets of Ontario, the number of police officers on the streets in the city of Toronto has increased. I'm quite confident of that. I know that was an issue that was debated in this House when I was here, to add more police officers to the entire province, and that was net new officers, by the way. I don't know the specific numbers for the city of Toronto, but it strikes me that it was about 300—

**Mr Steve Gilchrist (Scarborough East):** It was 250.

**Mr Leach:**—250 additional officers for the city of Toronto, net new officers.

**Mr Smitherman:** I would urge you to take a look at those stats because the word "net" is misplaced, I believe, in your answer. The reality is that other officers that have been before committee in my time here have confirmed these numbers. You would well know that pension circumstance for officers means lots and lots of retirements as well. The net number is not an additional number.

Let me ask another question. There are some rumours out there, rumblings in response to the situation which I've raised in the Legislature, of there being fewer numbers, which quite frankly the Solicitor General has not disputed. There seem to be some rumblings around



the issue of the province offering more resources to the city of Toronto for policing in particular, that that will occur. What would your priority be?

You spoke about 51 division; that's an area that I know rather well as well. There seems to be a debate emerging about whether those police resources would be used for things like traffic control, or whether those would be dedicated to more street-level activities such as fighting the crack cocaine trade which is prevalent in the area that you represented. Between those two things, traffic control and enhanced drug enforcement, which would be your priority?

**Mr Leach:** They're both very important issues. I think, before I commented on that, I would like to find out what the state of the situation is currently. Where is the major shortage in the city of Toronto? If there's a major shortage of traffic control officers, you would have to look at that. If there's a shortage of crime control, then you would have look at that. It's very difficult to give a specific response to that without having the opportunity to talk with the chief and talk with other board members to find out where the largest need is.

**Mr Smitherman:** Let me ask you a question about something that has occurred rather than something that requires you to take a further look at it. That's something that happened last year which some people have called police association activism and that others know as the True Blue campaign. This was an unprecedented campaign which led to the mayor or the police services board chair and Tory appointee Jeff Lyons criticizing, condemning, in fact, Craig Bromell and the True Blue initiative. Would you like a chance to offer your comments on that?

**Mr Leach:** Again, the only thing I know about that is what I've read in the media, but my understanding is that the campaign that was undertaken by the police association has been withdrawn and they are no longer pursuing the True Blue campaign. As far as I was aware, it's a dead issue.

**Mr Smitherman:** Do you see that campaign having been withdrawn as a healthy development?

**Mr Leach:** I could see where it would cause conflict. I think it was probably in the best interests of all concerned for the association to withdraw that.

**Mr Smitherman:** As a former elected politician, were you offended by that campaign?

**Mr Leach:** "Offended" I think is a little strong, but I didn't think it was a wise campaign to undertake, but I could also see where the association was coming from.

**Mr Smitherman:** You mentioned in your statement and highlighted the diversity that was in your former riding of St George-St David. I want to ask you about a couple of things that are on your record.

One of those is that during your time at the TTC, you prevented the lesbian and gay community from promoting on the back of transfer stubs a public awareness campaign that was designed to give gays and lesbians challenged by their sexual orientation an opportunity to seek and receive counselling. That's the first; I'd like you to comment on that.

Secondly, you inherited in the Regent Park community an initiative of your predecessor, Tim Murphy, called the community witness program, which was designed to give community impact statements in court. That was an initiative of the MPP and was supported by his office. You dismantled that or caused it to be dismantled by failing to provide it necessary resources. Could you comment on those things?

**Mr Leach:** Referring to your last question first, that's not correct. We supported the community witness program heavily. My constituency staff were in court on a weekly basis supporting that program. It's a great program, and I would never even consider dismantling that. Where that information came from is a mystery to me, but just to correct your records, it's entirely false.

With respect to the issue of the transfers, we had offered to the gay-lesbian community the opportunity to advertise on the bus and advertise in other areas. We didn't want to advertise on transfers. It was the transfer issue that became a matter of whether the medium was appropriate to carry a message. We didn't want to carry advertising of any sort on transfers, and that's why that decision was made.

1020

**Mr Smitherman:** The civilian investigation, the SIU, is an issue that the police chief has been fairly vocal about seeking to—some people would use the word "dismantle" and others would use the words "water down." Could you offer some comments about your personal view on this and whether you would, as a member of the police services board, take an active role in supporting the chief's desire to see the powers of that investigations unit watered down.

**Mr Leach:** Again, I'm not familiar enough, other than with what I read in the media, with the role of the SIU. I know that it has been controversial. I know that the chief has recommended some changes be made in the SIU. It's a body that's responsible to the Attorney General and not to the police services board. I'd like to get a whole lot more information on the SIU before I form an opinion. I know that it's been controversial. From what I've read, I think there probably is a need to review the role and the makeup of the SIU. But I wouldn't want to comment beyond saying that I would like to, along with the chief, review the function of it and then make some recommendations.

**The Chair:** Thank you to the official opposition. Now to the third party.

**Mr Tony Martin (Sault Ste Marie):** I want to follow up on the last question of Mr Smitherman on the role of the SIU. Nice to see you again this morning, Al.

**Mr Leach:** Hi, Tony.

**Mr Martin:** I just want to query you further on your view. It's certainly an important issue, one of some debate at the moment, and one that has been out there for quite some time as an issue of contention. I think it's one that we have to bring some closure to at some point so that we can get on with dealing with the real issues of policing that need to be looked after out there.



Certainly the independence of the SIU is one of real concern to us, as are some of the comments that have been made most recently by the present chief in Toronto, Mr Fantino, with respect to the critical role of the SIU and his arguing for amendments to the act to weaken its powers. As a matter of fact, the chief argues that the statutory language in subsection 113(5) of the act, which directs the SIU to conduct investigations into incidents where serious injuries or deaths were caused by what might be criminal offences committed by police officers, "automatically assumes an officer under investigation is a criminal, even if he or she followed proper procedure." This is taken from an article in the Toronto Sun on May 30.

A change in wording is supported by the Ontario Association of Chiefs of Police as well, of which Chief Fantino is a member. The association suggests that subsection 113(5) be changed to provide that the SIU will investigate the facts of circumstances surrounding deaths or serious injuries resulting from police involvement. However, this proposed amendment is opposed by Julian Falconer, a Toronto lawyer who has acted for families of people killed by police officers, as well as other critics. They point out that all deaths in the province are routinely investigated by the police as potential homicides. Thus, the wording change sought by the association would not create, in their view, a level playing field but would, rather, elevate police officers above the law to which all other citizens are subject.

I'm wondering if you're aware of this difference of perspective and view and what your position would be. If in the discussion that I'm sure will ensue as some of this moves forward under your tenure, if you're appointed to the commission, there is action of this sort and it looks like the Harris government, of which you were a part, moves in this direction, what would your position be and would you seek, I suppose in this way, to undermine the independence of the SIU?

**Mr Leach:** Again, I know that issue was raised at the conference of chiefs of police. That's what I read in the media. I didn't read all the data that you've just referred to there.

We know that police officers are under a considerable amount of stress in carrying out their duties in many instances and you don't want them treated any differently, either more severely or less fairly, than the general population.

I can probably refer back to my experience at the TTC. When one of our operators or a member of the commission would run into some difficulty, they always had an opportunity to have their side of the story told to an independent body, but always had the opportunity to be represented by a member of their union or a lawyer if they so chose. I don't think police officers should be any different than that.

I would like to get more specific detail from other members of the board and from the chief himself rather than relying on newspaper or media reports in making a decision on that.

I know the SIU has been controversial, there isn't any doubt about that, and whenever something is that controversial, it usually is time to step back and take a sober second look to see whether changes are necessary. They may be or they may not be. We won't know that until that review takes place.

**Mr Martin:** The other subject that I want some comment from you on has also been touched upon by the official opposition, the issue of the True Blue campaign that created so much controversy a short while ago and the fact that, even though there was an agreement reached by the two main parties involved, there's still some anxiety out there, as you can imagine, about what's still going on, what could be possible and whether this thing could take fire again.

Given the very sensitive nature of policing and the very responsible role that the police have in our community and the need for everybody concerned to have ultimate and utmost confidence in their ability and their intent when they do their job, that piece of business which presented and was perceived by many as a bullying type of thing—as a matter of fact, you'll remember that the vice-chair of the board at the time, Jeff Lyons, feared that his office was bugged and also felt quite intimidated by the whole thing—is not, as I'm sure you will agree, a good place to be, not a good situation to have out there.

My concern is that in the agreement that was arrived at between the two main parties, there was still a piece left out there which many of us have some concern about, which is the ability of the police association to, at some later date, use money raised to be involved politically, to affect political decisions in ways that they feel are supportive of their position, to be involved in the political system. I know, for example, in the last provincial election certainly the police association was quite active in support of, and opposing, members who were running for Parliament who were perceived by them to not support or to support their position on policing issues.

Given the sensitive nature of policing and the crucial role they play in the community, often between warring parties in some instances, do you think the potential should be there for them to be involved in that way?

1030

**Mr Leach:** First of all, to deal with the True Blue campaign, to the best of my knowledge that's a dead issue. It's cancelled and they're not dealing with that any more.

With respect to the police association being involved in supporting candidates through their association at any level of government, whether it be municipal, provincial or federal, I don't think the police association should be dealt with any differently than any other association. I know that the firemen, for example, get very active; teachers have been very, very active; Ontario public service unions are very active in campaigns. I don't see why one association should be treated much differently than any of the others.

**Mr Martin:** So you don't see the police as a particularly sensitive area that would preclude their involvement



politically in campaigns? For example, if the police association decides to get involved in the coming November municipal elections, that would be OK by you?

**Mr Leach:** I don't think they should be treated differently than the teachers' association, for example, which has the ability to affect the minds of our school-children. They've been very active in political campaigns. I know personally that the fire association gets very involved in political activities, to try to get candidates to support positions they feel are in the best interests of the community. I think all of these associations are working with the same goal: to try to get their message through on issues they feel are important to the community and that represent their views. I don't see why they should be treated any differently than the others.

**Mr Martin:** What would your position be on any limits that should be put on police activism in politics if, for no other reason, than to maintain the trust and respect of the communities that they're hired to serve?

**Mr Leach:** There's a major difference between the police force and the police association. It's very much like the Toronto Transit Commission and the ATU. The union has the ability to spend their dues where it sees fit, on issues that they think will put a positive message across on views they feel strongly about. There's a difference between talking about the effect of the police force being involved in political campaigns and the union being involved in campaigns. I see them as two separate entities and I don't differentiate between the police union, the teacher's union, the ATU or OPSEU. They all have roles to play and, in a democratic society, have the right to do that.

**The Chair:** That's the time completed. The government caucus.

**Mr Gilchrist:** I'd like to make the observation that I asked staff to check, just to ensure that Mr Smitherman left this meeting with the most up-to-date facts. Since 1995, there has been a net increase of 306 officers in the city of Toronto, 250 of whom were paid for by the province as part of our commitment to improving law and order in this province. Those are my only comments.

**The Chair:** Thank you very much for the information, Mr Gilchrist.

**Mr Gilchrist:** You're always welcome, Mr Chair.

**Mr Smitherman:** You should speak with Deputy Chief Boyd.

**The Chair:** Thank you, Mr Smitherman.

Thank you very much, Mr Leach, for appearing before the committee.

**Mr Leach:** Thank you, Mr Chair. It's nice to see everybody again.

#### CATHERINE KELEHER

Review of intended appointment, selected by third party: Catherine Anne Keleher, intended appointee as member, Ontario Rental Housing Tribunal.

**The Chair:** The next intended appointee is Catherine Anne Keleher, intended appointee as member, Ontario Rental Housing Tribunal.

Welcome. As you have probably heard earlier if you were in here, and I think you probably were, the procedure we follow is that the individual who is the intended appointee has an opportunity to make a statement should he or she wish to do so. Then there is questioning, 10 minutes from each party.

**Ms Catherine Keleher:** Thank you, Mr Chair. I'd like first to thank you and the committee for the opportunity of appearing here this morning.

I know that you've all received copies of my resumé. I have only a faint idea of how much paper crosses all of your desks, and so, for your convenience, I'd like to repeat some of my qualifications for you.

I have 17 years of service as an elected representative, including 13 years as reeve of the town of Palmerston and member of Wellington county council. I had the very distinct honour of being the warden of Wellington county in 1994.

During the 17 years, I've chaired the town of Palmerston's public works committee; administration, finance and recreation committee; and the planning and development committee. As well, I've chaired the Wellington county administration, finance and personnel committee; and the joint social services committee. I have co-chaired the Wellington-Guelph waste management master plan steering committee.

I have also spent 10 years as a member of the Maitland Valley Conservation Authority; 10 years as a board member of the Family and Children's Services of Guelph and Wellington County; 13 years as a member of the Palmerston and District Hospital board of governors, including four years as vice-chair; 12 years as a member of the Wellington county library board; three years as a member of the Wellington-Dufferin-Guelph board of health; a little over a year as a member of the Wellington County Police Services Board; and one year as a member of the Wellington and Guelph Housing Authority.

I'd like to point out to the committee now that, recognizing that membership on the housing authority was inappropriate in view of this appointment, slightly over a month ago I did resign from that position.

Some of the skills that I believe I've developed during this time that would be of assistance in the position of adjudicator: I've developed interpersonal skills in dealing with colleagues, the public, staff, representatives and officials of other levels of government, and the media. I have learned to interpret legislation and regulations and to apply policy. I have learned to weigh conflicting perspectives, requests or demands, and to make appropriate decisions. I've learned the importance of established process and procedure, in order that one might deliberate as completely and appropriately as possible. I've learned that people cannot be stereotyped, and in this context, either tenants or landlords. Finally, I've learned to listen not just to what people appear to be saying but for what they really mean.



On a personal level, I've never been a landlord but I've been a tenant for a number of years, having moved four times. I am currently a tenant in a unit that is specifically exempted from the provisions of the legislation, and so there is no conflict. I've had a landlord who has to be one of the world's best, and I've had a landlord who was less so. I have seen at first hand tenants who were excellent and tenants who were less so. I think this allows me to bring a balanced perspective to the position.

In conclusion, I would welcome the opportunity to continue to serve the people of Ontario.

**The Chair:** Thank you very much. We'll start with the third party this time.

**Mr Martin:** Good morning. You're being appointed to a tribunal that I suggest will be very busy—has been, continues to be and, if the situation stays as it is, presents as an area of some real concern to all of us here. Certainly, in my view and my caucus's view, that whole situation has been exacerbated in many significant ways by this government; for example, the elimination of rent control and other landlord regulations in 1997. I'm sure you're aware that under the changes rent can be raised to any level the landlord wishes when an apartment becomes vacant. Then rent controls are re-established when the new tenant moves in. Rent can also be raised over the ceiling to cover capital repairs. What's your view on that? Do you share my concern that that has created a huge problem in this province where affordable housing is concerned for folks?

1040

**Ms Keleher:** As an adjudicator, my position would be to enforce the legislation, the regulations and the policies of the government, whoever the government of the day might be. I would not be a policy-maker. I would not expect to develop policy but only to apply those policies that already exist. I think it's up to the government to address whatever concerns they may be aware of.

**Mr Martin:** I was just trying to get some sense of where you might be coming from in terms of some of the decisions you will be asked to make that will be very important to some individuals in this province.

You may not be aware that statistics show that the tribunal's speed in dealing with tenant issues versus landlord issues is a bit skewed. Do you believe that the tribunal is tilted against tenants, and if it is, if you find that's the circumstance, what will you do about this?

**Ms Keleher:** During my interview with the chair of the tribunal and two vice-chairs, the particular subject of efficiency was addressed. It was a very rigorous screening process involving an interview as well as a written test. The chair indicated at that time that his goal for all applications is a 72-hour turnaround from hearing to decision. I know as far as scheduling of the hearings that there are over 60,000 applications on file, and there are approximately 40 adjudicators, and I think they're doing the best they can.

**Mr Martin:** You're obviously not going to get into sharing with us some of your own views and perspectives on some of these things. Maybe I could ask you, just to

get my head around where you're coming from and to be comfortable in terms of the decision I make here later today, have you ever been a member of the Conservative Party or given a donation of any kind to any of its candidates?

**Ms Keleher:** Yes.

**Mr Martin:** You have. OK. I have just one other question, then. It seems from looking at your resumé that your work has been mostly in small-town Ontario communities. What is your understanding of some of the issues presenting in some of the larger communities, and in particular the Metro Toronto area, where housing is concerned, where tight rental markets exist and where most of the very troubling circumstances are presenting at this particular point in time?

**Ms Keleher:** I was specifically interviewed for a position that would be outside Metro Toronto, just to clarify that. I think a lot of issues, though, are universal: the issue of maintenance, the issue of harassment, the issue of non-payment, the issue of persistent late payment. There are more people in Toronto and there are obviously therefore more incidences of these kinds of behaviour, but I'm not sure it's fair to say that Toronto is different; it's just more. I think the issues occur all over southwestern Ontario. I think rental markets are tight in other communities as well. I think Toronto is special but not in that respect.

**Mr Martin:** Would you agree with me, though, when I say that if a lot of the problems that initially present in small-town Ontario—Sault Ste Marie is sort of quasi; at 80,000 people, it's not one of the biggest and it's not one of the smallest, but it's certainly not as big as Toronto—are not dealt with in those communities, they move down to Toronto and become Toronto's problem? Even though you say the circumstance isn't different in Toronto, it's just more, in my view it is, in that you don't see people sleeping on the streets of Sault Ste Marie but you do see people sleeping on the streets of Toronto. I would suggest probably that some of them are from Sault Ste Marie, who end up down here thinking that there is something here for them and when they get here they find out that, for example, in Toronto there are 55,000 people on waiting lists for some form of social or public housing, and the government's rent supplement plan calls for 5,000 units. It's not going to do the job. If you can't deal with the Toronto issue, then you exacerbate the small-town Ontario issue. Any comment on that?

**Ms Keleher:** I guess the only comment I would have to that is that the indigent rates are part of a very complex, large, interrelated series of factors such as economic development, transportation, provision of subsidized housing, provision of market-rent housing, and you can't adequately address any one of those components in isolation. It might be safe to say that if Sault Ste Marie had a higher level of economic development people would stay there and people would have wages to pay for market-rent housing. I'm hypothesizing here; I'm not presenting this as a statement of fact. But I don't think you can take the fact that people end up in Toronto



in isolation and say, "How do you solve that?" without at least looking at the other components.

**The Chair:** We now go to the government.

**Mr Wood:** We'll waive our time.

**The Chair:** Mr Wood has waived the time on behalf of the government members, so we go to the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Good morning, Ms Keleher. If I may, I would like to return to a comment you made in response to a question by Mr Martin. This is with regard to the imbalance there is in dealing with the issues, those of tenants and those of landlords. You made the comment that you think they are doing the best they can. I'm sure you are familiar with the statistics. For example, between September 30, 1998, and December 31, 1999, the backlog for tenant applications increased by 140%, for lock-outs and harassment applications it increased by 101%, and for repair applications it increased by 105%. That's the backlog. At the same time, though, the backlog for arrears and evictions applications has decreased by 4%, even though the number of applications for evictions has increased. Can you understand why I am very concerned by those numbers? I suggest it would be fair to say that I think the tribunal has become quite focused on evicting and less focused on dealing with the other issues, the tenant issues. I suggest that these figures support that. I have a couple of questions here. Have you heard these statistics before?

**Ms Keleher:** I have heard some of them. CBC Radio advised me of some of them, I would guess about a month ago.

**Mrs Dombrowsky:** OK. So as a member of the tribunal, would you see it as part of your responsibility to act immediately to bring forward measures that would address this imbalance? I'm going to call it more than an imbalance, but would you see that as one of the roles or certainly an important focus for the tribunal to address?

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**Ms Keleher:** I have not until now been privy to the tribunal's daily activities and how they select the order of hearings. I would hope on a personal level that there would not be discrimination or favouritism. I cannot say I'm personally aware that there is. I would hope that did not exist. I would do what I could to ensure that did not exist, because that is certainly contrary to the spirit of the legislation, which is designed to assist both tenants and landlords.

**Mrs Dombrowsky:** I agree with you. If I could just impress one more point upon you: the fact that married couples with children are the worst off, in that 74% of married tenants with children pay over 50% of their income as rent. So one would expect that of those outstanding cases, a significant number are married people with children. So we have families who are in danger of losing their homes. To me, when children are at risk of losing their home, that is a very serious issue. Would that be an issue for you? Is that an area of great concern for you? Would that be incentive for you to work to improve

these percentages? I'm not so worried about landlords. Landlords usually have a place to live. What about those kids? You talk about balances; clearly there's an imbalance here. Can you tell me the kind of priority you would expect to give these sorts of situations, given that children and accommodation for children are some of the issues here?

**Ms Keleher:** Again, though, an adjudicator can only apply the legislation as it's written, follow the regulations and the rules that have been established by this Legislature. Of course, since I had my initial interview, I have been extremely mindful of the responsibility of the position. Indeed it is a very sobering thought to have the authority to deprive an individual of the roof over his or her head, over his or her children's heads. Of course that is sobering. It is sobering as well to have the ability to take the livelihood out of an individual's pocket. One must be mindful of that at all times, but one still must apply the law as it is written, and I am at heart a believer in the rule of law; if the law is wrong, the legislators change it.

**Mrs Dombrowsky:** Just one final point: I would never suggest that you would not abide by the law and the direction that is given. The point I am trying to make is that when you consider your workload and where the backlog is, the backlog is affecting children. Where improvements have been made, it's not the same. The landlords have actually had a decrease in the backlog of eviction applications, but on the other side there has been a significant and overwhelming increase. What I was hoping to hear was that you thought that was a serious issue that needed to be addressed.

**The Chair:** Mr Bartolucci.

**Mr Bartolucci:** How many minutes do I have?

**The Chair:** You have two minutes.

**Mr Bartolucci:** Then I'll leave the political stuff. Have you ever been a candidate for the PCs?

**Ms Keleher:** No.

**Mr Bartolucci:** Did you ever manage a campaign?

**Ms Keleher:** No.

**Mr Bartolucci:** Are you a member of the Cornerstone Club?

**Ms Keleher:** I'm sorry, I don't even know what that is.

**Mr Bartolucci:** Oh, really. You haven't made the elite payment crew yet. You will.

Now I think we'll go into the legislation. You're certainly a very knowledgeable lady. Where are the weaknesses in this legislation, as you see them?

**Ms Keleher:** I have read the legislation. I must admit I have not studied the legislation, so I can't really comment on the strengths and weaknesses of it. I can, however, say that with any legislation, one looks at the intent of the legislation when it is passed, which in this case is to streamline and simplify the process and so on.

The legislation isn't going to be much good, any legislation, if it's not periodically reviewed. Situations change and circumstances change, and there has to be a



periodic review to see if the legislation still meets its intent. I can't comment on this specific piece.

**Mr Bartolucci:** You would be prepared, then, to write a letter to the minister outlining the weaknesses you find in the legislation as you apply this appointment over the next several years?

**Ms Keleher:** I think the process would be to express my concerns to the chair, who would communicate with the minister.

**Mr Bartolucci:** That's great. Thanks.

**The Chair:** Thank you kindly. That completes the questioning, and we hope you have enjoyed your experience here today.

**Ms Keleher:** I have indeed.

### DOUG HOLYDAY

Review of intended appointment, selected by third party: Doug Holyday, intended appointee as member, Ontario Housing Corp board of directors.

**The Chair:** Our next appointment is Mr Doug Holyday. If you have a statement that you wish to begin with, you may have that, sir, or we can go right to questions.

**Mr Doug Holyday:** I might make a brief statement just to explain a bit about myself, for people who are not familiar with me. I was the former mayor of the city of Etobicoke, actually the last mayor of the city of Etobicoke prior to amalgamation. I've been on the Etobicoke council and the city of Toronto council now for 15 years. I served four years in Etobicoke as chair of the board of health. I have, I guess, chaired every standing committee we had in Etobicoke. I have been involved in most aspects of life out there, including tenants and tenant situations, and I'm pleased to be asked to be considered for this position.

**The Chair:** We'll begin with the government as we go around the rotation.

**Mr Wood:** We'll waive our time.

**The Chair:** Mr Wood has waived the time on behalf of the government, so we'll go to the official opposition.

**Mr Bartolucci:** I'd just ask a few very general questions with regard to downloading. Are you satisfied that the downloading exercise for the city you used to be the mayor of has been successful?

**Mr Holyday:** You always hear about downloading and you never hear about uploading. There is a significant cost removed from municipalities as a result of amalgamation, and I guess there were large savings to be derived from it. Reports put forward by myself and the other mayors of the day, Metro council, David Crombie, Anne Golden—and the province itself did a consultant's report—all showed that there was in the neighbourhood of \$300 million to \$400 million worth of savings in amalgamation.

The city of Toronto to this point has achieved \$136 million, which I guess is significant, but it's not in the range of what was expected. I think part of the reason for that is that we've incurred a lot of expenditures that weren't there prior to amalgamation, some as a result of

amalgamation but a lot that are just new expenditures that this new group has taken on themselves. I'm not totally sure, if you've done that and incurred all these expenditures, that you then should be blaming others for not having enough money to pay all your bills.

I suggested that perhaps a meeting of some councillors and some government and opposition people might solve this problem without dragging it out through the media, but the mayor hasn't taken my suggestion at this time.

**Mr Bartolucci:** Have you seen in your own community—the reason I ask is that Sudbury is undergoing, albeit on a smaller scale, amalgamation, and everyone in the municipality is optimistic that there will be substantial savings. History is telling us that it was nice rhetoric but it's not reality. But I'm always interested in services, because I believe politicians serve people, not institutions or philosophies. Has the level of services increased in Etobicoke? Your personal opinion only.

**Mr Holyday:** I think in some ways it has. In most ways, though, it has remained exactly the same, and I'm quite confident that if we were allowed to continue as Etobicoke, our tax increase would have been zero. As a matter of fact, because we were going down the road to efficiencies, I think we even might have been able to reduce taxes. But amalgamation is something that has been going on since day one, like, hundreds of years ago.

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I grew up in Long Branch in south Etobicoke, and it was its own little community, along with New Toronto and Mimico. We all had our own mayors and reeves and so on. In 1967, the province amalgamated us with the city of Etobicoke. At that time, my parents and others who had lived there all our lives looked down on that as negative. But in retrospect, when you look back on it, those little cities couldn't have existed in the situation that has occurred here, and it would have been terribly difficult to govern, with all these little mayors and things in Leaside and Swansea and all over the place, including our three on the lakeshore, trying to run this area. So I think amalgamation is just a fact of life and it has been happening in other areas throughout the world, and it will continue to happen here. I would suggest in your area that people would try to look on it positively and make the most of it.

**Mr Bartolucci:** OK. Thanks very much, Doug.

**Mrs Dombrowsky:** Mr Holyday, good morning. The Ontario Housing Corp is in the process of selling off a good deal of its housing stock. Do you think this is a good idea, given the fact that in Ontario there is a serious shortage of affordable housing?

**Mr Holyday:** I think it's not affordable housing you're talking about; you're talking about subsidized housing, I believe.

**Mrs Dombrowsky:** To make it affordable for low-income people.

**Mr Holyday:** Well, the term "affordable housing" has its own definition. I think the Ontario housing stock is a subsidized form of affordable housing, if you like, for people who are of low income. I think there is always



going to be a shortage of that because there are always going to be people who would like to have help in paying their living costs.

One of the situations that occurs is that the more of it that you have and the easier it is to get, the more people will come here from Sudbury and other places where maybe they don't have the finances to be able to create the stock that we might be able to create here. So we have to be careful that we're balancing this in the right way. I don't think we want to be the housing solution for the entire country or the continent or the world.

**Mrs Dombrowsky:** They're selling it all over Ontario, though, not just in Toronto.

**Mr Holyday:** Yes. Well, perhaps some of that is warranted. I really don't know enough about the workings of the Ontario Housing Corp to know exactly where the breaking line is there.

**Mrs Dombrowsky:** You are aware as well that the province is in the process of downloading the responsibility of managing Ontario housing to the municipalities. I represent a part of rural eastern Ontario, and the concern I'm hearing from municipalities in my riding, and I know it's a concern within the more urban centres, is that the Ontario Housing Corp is unloading its more valuable stock. That's a perception that has come to me. Municipalities are perceiving that some of the better stock is being liquidated and what's going to come to them is of less value. That's a concern to them. Do you think that's a valid issue?

**Mr Holyday:** If that's their perception, I think we should try to deal with perception and what is reality.

**Mrs Dombrowsky:** Do you think there should be some conversation with the municipalities in terms of determining which housing units would be sold and which would be downloaded?

**Mr Holyday:** I'm sure the government is always open to input, though I don't speak for the government.

**Mrs Dombrowsky:** But as a member of the corporation, do you think that would be reasonable?

**Mr Holyday:** I think Who Does What is one of the reports that suggested this type of handling of Ontario housing. I think one of the difficulties with municipalities wanting things that are paid for by other levels of government is that there is no end to what they want, as long as they're not paying.

**Mrs Dombrowsky:** I don't think they want them. They're being told they're getting them.

**Mr Holyday:** No, but they want new buildings and they want more housing in their area. But it's not they who are paying; it's the other levels of government that are paying. So when something happens that way, it's the same with us individually: if someone else is looking after your expenditures, it seems that you're wanting more than maybe you would if you were paying yourself.

**Mrs Dombrowsky:** With regard to the units that are being sold, should those revenues go into the general revenue of the province or should those revenues be returned to the municipality where the unit is being sold? Because the municipality will now have the responsi-

bility of maintaining and accepting the debt load of those other units that they will be receiving from the province.

**Mr Holyday:** I'm afraid I don't know enough about that issue to really give you a fair comment. I'd have to have more information than just a couple of sentences at this time to be able to say what's fair and what's not fair.

**Mrs Dombrowsky:** And what is the role of the Ontario Housing Corp once this housing stock has been downloaded? What will it be?

**Mr Holyday:** That won't be up to me to decide, I don't think. It will probably be a government decision, and I'm not sure how they'll make it or what the decision will be.

**Mrs Dombrowsky:** That will be all my questions, Mr Chair.

**The Chair:** Thank you very much. We will now move to Mr Martin.

**Mr Martin:** Right off the top, I find disturbing, given the appointment that we're considering here today for you at the Ontario Housing Corp, your lack of understanding of the issue of affordability and the fact that there's a whole whack of people out there who, no matter how you cut it or describe it, are having a difficult time affording decent housing for themselves.

I also find disturbing your comment re Toronto providing housing for the rest of the province. Anybody who's come from places like Sault Ste Marie and Sudbury to Toronto looking for affordable housing is sleeping on grates and in bus shelters. It seems to me that a government taking its responsibility seriously and an Ontario Housing Corp taking its responsibility seriously would be coming up with answers other than the selling off of some of the only units that are still out there available at an affordable rate for people.

Are you, or have you ever been, a member of the Conservative Party?

**Mr Holyday:** Oh yes, I am.

**Mr Martin:** And you've donated to candidates who've—

**Mr Holyday:** Many times.

**Mr Martin:** Have you been following the government's plan to sell off scattered units of housing across this province? Other than what you've already shared with us, what's your understanding of that program, why that's happening and what the thought behind it is?

**Mr Holyday:** I would like to comment on your opening question, which really was in the form of a statement. A large part of the problem that we have here with finances in this province is due, as you know, to your government. You remember, your government decided they were going to try to spend their way out of the recession, and you remember what a horrible mistake that was and what a debt we've incurred in this province as a result of it. I guess it's taken this government since 1995 now to try and get government running as a business and try to remove that debt so that we're not paying a third of our tax dollars in just maintaining payments to a bank somewhere.

Those problems are troublesome. Every government has a philosophy and they have a way of doing things,



and when they're not in power then they're entitled to be critical, as you are. I think we shouldn't be allowing people to sleep on our grates here in the city of Toronto, for one thing. That's not done in a lot of areas and a lot of people only come here because we do allow it. The squeegee situation is a perfect example. We allowed squeegeeing to go on here for far too long and we attracted them. I've been out in the streets with the Salvation Army and other groups dealing with these people, and what I found was that most of them, well over half of them anyway, aren't even from Toronto. They come here because they'll accept a certain standard of living. It's not a very high standard of living, but they can gather enough money by doing squeegeeing and so on to buy what they need to have fun and maybe feed themselves and so on. But because we allow this thing to exist, they just come here. I think it's not right and it's really unfortunate that we've got ourselves in this situation.

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**Mr Martin:** To follow up on some of your comments, I suggest to you that some of the spending we did between 1990 and 1995 was because we were in the worst recession that this province has dealt with since probably the Great Depression. We chose, as a government, to have a heart and to not just throw people out on the street and cut programs and do away with health care and education, the kinds of things that all Ontarians and Canadians came to accept as part of the civil society they built together.

We have a government now that is living in some of the more lucrative times, with wealth being generated at a level that's historically unprecedented, and yet at this time we have 55,000 people waiting for affordable housing. We have a program that the government has announced that will deal with perhaps 5,000 of those folks. You don't see that the government has a responsibility, that the corporation you will be part of has a responsibility to perhaps challenge some of the thinking, as I suggested before and maybe you can comment on it, that we not sell off some of the housing we have now that we can provide at an affordable level and try to take care of some people in these very lucrative and good times?

**Mr Holyday:** I didn't mean to indicate that your government didn't have a heart. I think your government had a heart all right; it's the mind, I guess, that I take a look at. What happened, even though it was with the best of intentions, was that trying to spend your way out of the recession simply made matters worse by then taking millions of dollars out of the system simply to pay interest on a debt. So that's money that can't go toward helping the very problem you were trying to solve by spending the money in the first place. I think that was very wrong and that has put this government in the position of then trying to rectify the problem. I guess sometimes when you have to rectify a problem you might have to do things that seem harsh, particularly to the people who don't think the way you think. Unfortunately, we can't be all things to all people. We would very much

like to be in a position to pay the bills for the less fortunate in every way, shape and form, but that isn't possible and so we have to manage our affairs in an efficient, cost-effective way.

**Mr Martin:** We can't be all things to all people, but we can be all things to some people, where it seems to be OK by this government to take some of the money that is now being generated by way of some of the taxation policy that's in place and turn it over to the very rich in our community and leave some 55,000 people on waiting lists for some form of social or public housing. That's OK with you. It's OK with you that we should, as well as that, sell off some of the stock that the government now has at its disposal to provide to some of these folks. Heart, head, it doesn't matter: the reality at the end of the day is that you have people sleeping on the grates of Toronto, you have 55,000 people out there waiting for some form of social or public housing, and this government isn't willing to do anything about that. As a matter of fact, they're putting in place some programs by way of the sell-off of these scattered units that are going to exacerbate that situation. Is that OK by you?

**Mr Holyday:** Mr Martin, for some reason you seem to think that I'm here to defend the government and—

**Mr Martin:** That's what you're doing.

**Mr Holyday:** —that's my position here today. It isn't my position here to defend the government. These gentlemen over here can defend themselves, I'm sure.

**Mr Martin:** That's my job.

**Mr Holyday:** But you did open up with your opening statements—and I would suggest to you that you did that in a way right off the bat—to put me in a position of trying to defend the government. I gave you what I thought was my honest answer to what you had stated and what caused the problem in the first place and the position that the government finds itself in today to try to deal with the problem. You and I could probably disagree about that for a long time, but I don't think that's very helpful in you determining whether or not I am qualified or should be a member of this committee that I'm here for today.

**Mr Martin:** Actually, this has been one of the more helpful discussions that I've had with some of the folks who are proposed for appointment in that we've certainly wasted no time in getting to where you're coming from and what your philosophic stance is going to be in terms of this corporation and your willingness or ability to challenge some of the initiatives of this government. So I have no further questions, Mr Chair.

**The Chair:** That completes the questions from members of the committee. Thank you very much, Mr Holyday, for appearing before the committee.

**Mr Holyday:** My pleasure.

GERALD NORI

Review of intended appointment, selected by third party: Gerald Nori, intended appointee as member, Cancer Care Ontario.



**The Chair:** The next scheduled individual to appear before the committee was the selection of the third party: Mr Gerald Nori, intended appointee as member, Cancer Care Ontario. As I'm moving in rotation around this way, I will be starting with the official opposition. But first of all I'll ask Mr Nori to come forward. Mr Nori, you are permitted to make an opening statement to the committee, should you see fit—that is the procedure we follow—and then there are 10 minutes of questions available from each of the parties, except the government party, which has perhaps fewer minutes because of opening statements.

**Mr Gerald Nori:** Thank you very much, Mr Chairman. By way of opening statement, I presume you have my curriculum vitae in front of you. You'll probably see that I've had a very heavy commitment to community activity over the years. I won't bore you by going into everything I have been involved in, in the city of Sault Ste Marie and elsewhere, but there are some things I'm a little proud of that I might mention, such as my involvement with Algoma University College. For eight years I was chairman of the university, and recently have been serving on the foundation of that university. We're pretty proud of it and we're working very hard to establish that institution as a meaningful and important segment of the economy of the city of Sault Ste Marie.

Tantamount to that—it doesn't appear on here—I was very proud of the fact that I was awarded the designation of "friend of Algoma University" by the senate of that institution at the convocation which was held in June of this year, along with my co-designee at that time, the former Minister of Colleges and Universities in the Peterson government, the Honourable Greg Sorbara, and it gave me a little bit of a chance to meet with Greg, whom I hadn't seen for some time. I actually hadn't seen him since the days when there had been some activity at the university level by the Peterson government in connection with funding for Algoma University College, which was an extremely important factor in the survival of the institution.

I also, as you probably have seen, was awarded the city of Sault Marie Medal of Merit in 1991, and I guess that was in recognition of some of the things I had done in the past in the city and elsewhere.

The other thing I'm rather proud of is the fact that I was the chairman of the first community futures committee in the city of Sault Ste Marie. That was back in the 80s when the city went through a very trying time, when Algoma Steel laid off some 3,000 people and the city was undergoing an extremely difficult unemployment factor and there was great concern about diversification of the economy. It was at that point, as chairman of that community futures committee, that I came to the conclusion that not only is health care an important element within the community for the purpose of being available to the people within that community for treatment, but it is also an extremely important matter from the point of view of being an industry, and an important piece of infrastructure in the community for the purpose of attracting diversified industry.

I've had an ongoing interest in both education and health care, both from the point of view of the providing of services in what is a remote community—you know, I think people lose sight of the fact that this is a very large province. The city of Sault Ste Marie is situated some 500 miles northwest of the city of Toronto. It takes eight hours to drive here; it takes an hour and a half to fly here. It's a very expensive proposition. The airfare now between Sault Ste Marie and the city of Toronto is \$765 a round trip. If a trip to Toronto means travelling from the airport to downtown and maybe an overnight stay, it will eat up the better part of \$1,200.

Industrial diversification and treatment, and availability of infrastructure in northern Ontario, and particularly in the Sault Ste Marie area, is a matter I'm extremely concerned with, and I'm certainly not alone in that. I know that Tony Martin, as the member, has shared that view with me over the years and is extremely concerned and I think would share and agree with the objective I've just outlined.

Having said that, I'm not very eloquent but, nevertheless, I think it gives you an idea of what I'm all about.

**The Chair:** Thank you very much, Mr Nori. We'll begin with the official opposition.

**Mr Bartolucci:** Mr Nori, I hope you had a good flight down.

**Mr Nori:** It was a very peaceful flight.

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**Mr Bartolucci:** Good. You were able to relax, then.

**Mr Nori:** Expensive but peaceful.

**Mr Bartolucci:** We'll talk about the expense of being a volunteer a little later on in our 10-minute discussion together.

There are just a few housekeeping matters to get out of the way. Have you ever been a candidate for the federal or provincial PCs?

**Mr Nori:** Yes, I was.

**Mr Bartolucci:** Were you a past president of PC Ontario?

**Mr Nori:** Yes, I was, of the PC Party of Ontario during the Davis years.

**Mr Bartolucci:** And you are a member of the Cornerstone Club?

**Mr Nori:** Yes, I am.

**Mr Bartolucci:** How much does that cost you a year?

**Mr Nori:** Five hundred dollars.

**Mr Bartolucci:** That's all out of the way now. Let's talk about cancer issues. I see in one of the pieces of paper I have about you that you were a member of the Northeastern Ontario Regional Cancer Centre board.

**Mr Nori:** I was for a while. I didn't really attend very many meetings.

**Mr Bartolucci:** How many meetings did you attend?

**Mr Nori:** I don't think I attended any.

**Mr Bartolucci:** How many did you miss? All of them?

**Mr Nori:** I have no idea.

**Mr Bartolucci:** Who asked you to be on the board?

**Mr Nori:** It was Gerry Lougheed.



**Mr Bartolucci:** Gerry Loughheed Jr?

**Mr Nori:** That's right.

**Mr Bartolucci:** The former chair of Northeastern?

**Mr Nori:** That's right.

**Mr Bartolucci:** What's your relationship with Dr Wahl in the Soo?

**Mr Nori:** Only to the extent that I've met him a couple of times and I know him to talk to, being that he is an oncologist. I can't say I know him on a personal level.

**Mr Bartolucci:** You haven't discussed cancer issues with him at all?

**Mr Nori:** Not with him personally, but I have with Manu Malkani, who is the president of the hospital.

**Mr Bartolucci:** There's been lots of talk about health care apartheid with regard to cancer patients. You're familiar with the issue?

**Mr Nori:** I'm familiar with the issue; not totally immersed in it, but certainly what I've read in the papers, and I've talked to the odd—in fact, I talked to Gerry Loughheed about it.

**Mr Bartolucci:** Quite extensively, I'm sure, because Gerry is very vocal and very passionate about this.

**Mr Nori:** There's no question.

**Mr Bartolucci:** Do you agree with him?

**Mr Nori:** I certainly agree from the point of view that if there's an inequity in the manner in which people in northern Ontario are treated relative to cancer care from those in southern Ontario, that inequity has to be corrected.

**Mr Bartolucci:** You've heard both sides of the argument, Mr Nori. You've heard it from the government. You heard what their explanation for this health care apartheid is re referral. You've heard Gerry Loughheed's side, the side of the people of northern Ontario. In fact, an Oracle poll would tell you it's the side of the people of Ontario. I want from you your opinion: is this government practising health care apartheid in the province of Ontario when it comes to dealing with cancer patients?

**Mr Nori:** Mr Bartolucci, you're asking me for an opinion that I can't give at this point by virtue of the fact that I'm not totally familiar with the program. It's an opinion I would rather reserve and give after I immerse myself in the affairs of Cancer Care Ontario. If, as I've said, there is an inequity—I've always been a northerner. I've lived in the north all my life. I have a great affection and concern for northern matters and infrastructure. I can assure you that if there is any inequity in that program, I will work diligently to see that that inequity is corrected. But to give an opinion based upon what little I do know at this point would not be the appropriate thing to do.

**Mr Bartolucci:** I think you know a lot more than you're letting on you know, but I'll respect your right not to form an opinion.

Let me give you an example, please. I'm going to give you an example I've raised in the House of a person in Sudbury, that the minister knows about, that is public. I have the Sault Ste Marie article—and I'm sure you read it in the papers you said you read. Janice Skinner has to travel 400 kilometres from a little place outside of

Sudbury, Capreol, to Toronto. She gets 30.4 cents a kilometre one way. Mary, from Toronto, has to travel north the 400 kilometres, the same distance. She gets return airfare—and you talked about that—she gets full accommodation at a hotel and she gets full meals covered. Janice Skinner gets one-way treatment, one-way transportation costs only; Mary from Toronto gets full expenses covered. Is that right?

**Mr Nori:** On the surface, it would appear to be inequitable. Again, Mr Bartolucci, I'd like to know all of the factors involved in that circumstance before I ever pass an opinion. Certainly on the surface there would appear to be an inequity.

I believe that there's an inequity generally on the basis that I happen to believe very fervently that one of the mandates of Cancer Care Ontario is accessibility, and it's going to be, in my opinion, a lot cheaper to move patients to the facilities than try to duplicate facilities throughout the whole of northern Ontario, having regard to the vast distances involved. So the whole issue of travel and availability of facilities is something that I'm going to have a keen interest in.

**Mr Bartolucci:** The only difference between Janice and Mary is that Janice can't get treated in Sudbury for her cancer, so she was referred to Toronto. Mary from Toronto, because of the massive waiting lists, was re-referred to Sudbury. That's the only difference. Knowing that's the only difference, do you believe that policy is correct?

**Mr Nori:** Again, I must repeat myself: I don't think that I would like to pass opinion without knowing a lot more about the travel programs relative to cancer care in Ontario than I do at this point. I have great respect for the media, but on the other hand, I'd like to know the facts from the source. One of the things I would like to do is to study the travel program if I do become a member.

**Mr Bartolucci:** You didn't study it before coming here?

**Mr Nori:** No, I have not. I have had very little discussion with anybody concerning the position, other than I did speak very briefly to Dr Shumak, who is, I believe, the president of Cancer Care Ontario, who did call me to give me an idea of what the time commitment might be.

**Mr Bartolucci:** And he explained the referral and re-referral program to you at that time?

**Mr Nori:** Yes, he did.

**Mr Bartolucci:** Then you know the only difference is one was referred and the other is re-referred. Do you think that the treatment of cancer should be dependent on a word, a prefix, "re," when we talk about referral for cancer treatment?

**Mr Nori:** Mr Bartolucci, I'm repeating myself when I say that based upon the example that you've given me, there would appear to be an inequity, but I would reserve my opinion in that regard until I know a lot more than I do now.

**Mr Bartolucci:** Are you prepared then, once you've studied the issue—and as a northerner you will clearly see very, very soon into your appointment that there is an



inequity and an imbalance and in fact discrimination—to stand up and say that publicly?

**Mr Nori:** Let me put it this way: I have always been very sensitive to inequities that exist in northern Ontario, whether they're in health care, education or whatever field they might be in. I can assure you that if there is an inequity, I will do everything within my power to see that it's corrected, because I am a native northern Ontarian. I was born there, lived there all my life. I would like to have taken my law there, but unfortunately that wasn't possible. So you can be assured that my loyalties lie north of Steeles Avenue, if that's northern Ontario; I'm not sure. There are a lot of people in southern Ontario who—

**Mr Bartolucci:** It's moving south all the time because there happens to be a pot that southerners want to tap into.

**Mr Nori:** I don't know what it is, but I'm given to understand that Muskoka now is in northern Ontario.

**Mr Bartolucci:** I'd like to just go back again. You're taking Gerry Lougheed Jr's spot. Correct?

**Mr Nori:** Yes, I am.

**Mr Bartolucci:** So you will assume the chair of the northeastern region?

**Mr Nori:** I'm given to understand that is what it's to be.

**Mr Bartolucci:** So you will be the chair?

**Mr Nori:** Well, I'm not sure, to be honest with you, Mr Bartolucci. Nobody has said to me that I will be the chair. The appointment, as I understand it, is to Cancer Care Ontario, to the board. Now whether I become automatically the chair for northeastern Ontario, I really don't know.

**Mr Bartolucci:** Well, past history, as you know, has been that in order to be a chair of a particular region you have to be a member of the board of Cancer Care Ontario.

**Mr Nori:** You're telling me something I didn't know.

**Mr Bartolucci:** Now, you see, they're replacing Gerry Lougheed with two people. The first one to come before the committee is Gerry Nori. The second person who will be coming before the committee at some time is Jim Ashcroft from Sudbury. I want to know which one is going to be the chair.

**Mr Nori:** I really don't know. I don't think that's something I can answer. Nobody has said to me that I will automatically be the chair.

**Mr Bartolucci:** Will you accept the chair if it's offered to you?

1130

**Mr Nori:** If it were offered to me, I would accept it, yes.

Let me say this to you: I've known Gerry Lougheed for many years. I have worked with him on projects. I admire Gerry Lougheed. He's a good fellow and I know that he's worked very, very hard in the interests of Sudbury. As a matter of fact, when I was asked to go on Cancer Care Ontario, I called Gerry to tell him that. I don't want to get involved in a fight at this point over this

issue until I know a lot more about it. But I can assure you, if there are any inequities, I'll be there.

**Mr Bartolucci:** Good.

**The Chair:** Thank you very much for your questions. We're out of time. We'll now go to the third party.

**Mr Martin:** I'm not going to go over ground that's already been covered. Just suffice it to say that we were the party to ask for you to come forward today, to appear before us, not that I have any doubt that you will do a good job and bring the same integrity to this position that you've brought to so many of the other positions that you've taken in our community and across Algoma over the time that I've been in this job. We've worked together on issues, to some, I think, resolution that spoke to the benefit of our area. I am, until shown otherwise, convinced that you will continue to act in that way, that you will continue to have the kind of passion for our area and this issue that you've had in other instances.

The reason, though, that we brought you before the committee was to put on the table again, as we have over a number of months now, our very real concern about health care where northern Ontario is concerned: the cost to families and individuals because of the travel that has to occur; the lack of resources to make sure that we have the specialists we need and that they're as close to home as possible; and in the instance of cancer care, the now obvious discrimination that's going on, which I share with Mr Bartolucci is actually a circumstance of discrimination, where the north is not being treated similarly to the south where accessing cancer care is concerned. I'm sure that once you're into it and you get to see it and understand it, you will come to some of the same positions as Mr Lougheed, whom you've indicated you know. Mr Lougheed took a certain tack. Ultimately, I believe that Mr Lougheed worked as hard as he could, pushed the envelope to its limits within the system to try and make changes and have improvements happen and bring resources to the table. You obviously will have an opportunity to decide yourself what tack you will take.

Given Mr Lougheed's experience and where he has ended up—in fact, Mr Lougheed is not the only one who has ended up out of a position. The chair of the district health council in Sudbury when this government was first elected challenged the government—I forget his name—

**Mr Bartolucci:** Bob Knight.

**Mr Martin:** —and he lost his job because he came to an understanding that was different from the government's, pushed too hard and was replaced by somebody else.

I guess my question to you, Gerry, in light of the very challenging circumstance that you now move into, is, what thought have you given to what your approach will be and how you might deal with this very difficult circumstance in the interests of not only northern Ontario but in particular, being parochial, Sault Ste Marie? I think Sault Ste Marie presents as one of the communities in the north that has particular challenges because of the distance. It's three hours from Sudbury and many of our major health possibilities are there. We're as far from



Thunder Bay as we are from Toronto. So it presents some unique challenges to the Sault as well.

**Mr Nori:** Tony, let me say this to you: This is an issue—I don't know if I can. See, I'm a cancer survivor myself and I had to face the difficult choice of either taking radiation in Sudbury for six weeks for five minutes a day, because the Sault is so far away, as you've said, from Sudbury that you can't do it on a commute basis, or to be operated on. So the availability of cancer care in northeastern Ontario is something that has struck me very, very close. You can be assured, if there are any inequities, be it in travel or in the availability of facilities, that I'm going to be there. I will do whatever I can to see that those inequities are corrected.

**Mr Martin:** Just to follow up on some comment you made a little earlier, Gerry—I appreciate how difficult this can be when it's so personal—you know that Dr Wahl in Sault Ste Marie has been, in some people's experience, right up there with Mother Teresa.

**Mr Nori:** And well he should be.

**Mr Martin:** Just recently, for the very first time, he has raised the prospect of not being able to service the people he wants to serve in the Soo because of the lack of resources. The time it's taking to put in place the bunker that has been promised for Sault Ste Marie—you mentioned earlier that your preference would be to put all the resources in one place and have people travel as opposed to trying to—

**Mr Nori:** Only where it's economical to do that. At this point in time we're fortunate in the Soo because we have an oncology unit and we have the infrastructure to support a bunker. But that's not something we're going to put in every community, I would think, within reason. But the bunker in Sault Ste Marie is going to make it a lot easier for people in Wawa to access treatment than going to Sudbury. Travel is still going to be inevitable because you can't put a bunker in Wawa, you can't put a bunker in Chapleau, but where facilities are warranted and can be supported by the infrastructure that's there, then that's where they should go. But that's not going to be possible on a practical or financial level, I would think, to the extent that we'd like to see it happen.

**Mr Martin:** If it makes sense that that bunker go in Sault Ste Marie and that other resources are absolutely required and necessary in order for the people of northern Ontario to have the same access as the people in southern Ontario, and it turns out that it's a question of resources and this government isn't willing to put forward the resources that are required—perhaps this is a redundant question—are you going to be willing to stand up and say, "We need these resources, we have to have these resources, and unless we get those resources, I guess at the end of the day"—

**Mr Nori:** Again, Tony, my primary loyalty is to northern Ontario, and if it means being confrontational with the government I support, then I'm prepared to be that. That doesn't worry me.

**Mr Martin:** OK. Thank you very much.

**The Chair:** Members of the government.

**Mr Wood:** We'll waive our time.

**The Chair:** Mr Wood has indicated that he'll waive the government time. That you very much, Mr Nori, for appearing before the committee.

What I'm going to ask now, before we adjourn for lunch, because there are three more people who are to be intended appointees, beginning at 1:30 pm, is that we have a meeting of the steering committee. Mr Wood, you wanted to speak to that.

**Mr Wood:** I'm wondering, Mr Chair, if we might deal with the concurrences from this morning right now.

**The Chair:** If you wish. Would the committee wish to deal with concurrences from this morning? That's fine. The suggestion is accepted by the committee.

**Mr Wood:** I move concurrence in the intended appointment of Mr Leach.

**The Chair:** It is moved by Mr Wood that the intended appointee, Mr Leach, be approved by the committee. First of all, any comments from members of the committee?

1140

**Mr Martin:** I have to put on the record that I was quite concerned re Mr Leach's response to the question of the positioning of the police association and his lack of understanding that the police role, the job they carry out, is a very sensitive one and quite different, in my view, from that of a teacher or a public servant of another nature. That he doesn't seem to understand that worries me to the point where I won't be able, on behalf of my caucus, to support that appointment this morning, Mr Chair.

**The Chair:** Thank you. Any other comments from anyone else on the committee? If there are no further comments, I'll put the motion forward at the present time.

All in favour? Opposed? The motion is carried.

**Mr Wood:** Mr Chair, I move concurrence in the intended appointment of Ms Keleher.

**The Chair:** Any discussion of that appointment of Ms Keleher from any member of the committee?

If there is not, all in favour? Opposed? Carried.

**Mr Wood:** Mr Chair, I move concurrence in the intended appointment of Mr Holyday.

**The Chair:** Any comments about Mr Holyday's appointment? Mr Martin.

**Mr Martin:** I can't understand why the government would be moving so obviously in this instance to appoint somebody to a board who lacks any understanding of or empathy for the question of affordable housing and what that means.

We've seen over the last few years a move away from the provision of housing to those who can't afford the extraordinary increase we've seen in the cost of housing across this province, but particularly in Toronto, where the larger number of people live. To be further exacerbating that whole issue by appointing somebody who obviously doesn't understand what that means, nor supports in any significant way the need for any level of government—and I was surprised as well to hear him,



particularly because of his political affiliation, not understand that whether it's federal, provincial or municipal, it's the same taxpayer. We're told that over and over again in the Legislature, as you know. We are reminded that it's the same taxpayer. To suggest that one level of government's trying to get money out of another level of government to pay for programs they can't afford isn't really in effect simply taking money that is in the first place coming from that same geographic jurisdiction anyway leaves me somewhat bewildered.

To suggest that calling for a senior level of government that obviously has more money in its pot to help out with some challenges faced by a more junior, less wealthy level of government is less than responsible is another concern I have. Some of the inferences to municipal governments perhaps not being as accountable or responsible or as well-heeled as perhaps a provincial level of government, particularly if it's Conservative, seem to me to be not in keeping with the sort of hands-off, third-party-distance role of an authority such as the one he is being considered for appointment to here this morning.

It's with all that in mind that I will not be lending the support of our caucus to this appointment here this morning.

**The Chair:** Any other discussion? If not, all in favour? Opposed? The motion is carried.

**Mr Wood:** Mr Chair, I move concurrence in the intended appointment of Mr Nori.

**The Chair:** It is moved by Mr Wood that the committee approve Gerald Nori, the intended appointee as member, Cancer Care Ontario. Any discussion?

**Mr Bartolucci:** I won't be supporting the motion. The reason I won't be supporting the motion is because I believe anyone from northern Ontario who has any type of passion when it comes to cancer would be aware of the health care apartheid that is taking place in this province, would be up to speed on it, would have certainly without question been informed if in fact that commitment to cancer care was there. I also suggest to you that he has a past history of being on a board dealing with cancer issues in northern Ontario and failed to make one of the meetings. There's absolutely no question that if it's a puppet you want, you're getting half a puppet in Mr Nori, and we will probably be dealing with the other half when he comes before this committee. I cannot support Mr Nori.

**Mr Martin:** I'll be supporting the appointment of Mr Nori for a couple of reasons, initially putting on the record that I share the same very serious concern about the delivery of cancer care in northern Ontario that Mr Bartolucci does and that has been put on the record by some of my own colleagues, Ms Martel in particular. It is a very grave circumstance that we face up there. It gets more grave with each day that goes by. It was unfortunate that a champion of the integrity and stature of Mr Loughheed would be let go simply because he challenged the direction of the present government and minister.

However, if we're going to go down a road of trying to bring somebody to the table who perhaps has a few

more connections, who may have a bit more influence and in fact combines that with an integrity that I have experienced in Mr Nori over not just 10 years—I did things with Mr Nori before I got the position of MPP for Sault Ste Marie, in my role as trustee with separate school board, and know of his work ethic and his love for and commitment to Sault Ste Marie and northern Ontario. I don't think you can separate those in him. You can in others, and we've seen it over the last few years with this government, but I don't think that's going to happen in this instance.

If we're going to take a different tack, which is to perhaps work in a different way with this government to get the resources that we need to do away with the discrimination that's there now, the two levels of service, and we're going to be effective in that, I suggest that you probably couldn't have chosen somebody who will be—if he brings the same level of commitment and compassion and dedication to this that he has in some of the instances that I've seen him operate and work with, he will in fact do that job.

With that very real concern put on the table that something needs to be done, that this government needs to move aggressively and immediately to resolve some of the issues that are obviously on the table where cancer care apartheid is concerned, where the north is concerned, that we need to get somebody at the table who has—I suppose, because Mr Loughheed obviously wasn't able to change the circumstance of the situation—some connections and who perhaps can use those connections to the best and the good end of health care and cancer care in northern Ontario, then Mr Nori will do that. If he doesn't, certainly there are many of us who interact with him on a regular basis who will be challenging him, reminding him and making it public if that's not the case. However, I anticipate that we won't have to do that and that Mr Nori will work with this government to make sure that circumstance is corrected and that we get the resources we need in northern Ontario to take care of those people we know and love and who are our family members and neighbours. I will be supporting this appointment.

**The Chair:** We have the motion before the committee. All in favour? Opposed? The motion is carried.

After lunch, we will reconvene at 1:30. I'm going to ask Mrs Dombrowsky to take the chair at that time because I—

**Mrs Dombrowsky:** I can't take the chair.

**The Chair:** You will not? We will resolve who is going to take the chair after 1:30 today.

Anyway, I will adjourn this portion of the meeting and ask that a representative of each party be present for a meeting of the steering committee.

*The committee recessed from 1150 to 1334.*

**The Acting Chair (Mr Bob Wood):** Ladies and gentlemen, I call the committee to order. As a result of a meeting the subcommittee had earlier today, the meeting which was originally scheduled for mid-August has now been postponed by agreement to August 29. So, unless



there are unexpected developments, the next meeting of the committee will be on Tuesday, August 29.

#### MICHAEL ROHRER

Review of intended appointment, selected by official opposition party: Michael Rohrer, intended appointee as member, Assessment Review Board.

**The Acting Chair:** The next intended appointee to be reviewed is Mr Michael Rohrer, who I believe is with us. Mr Rohrer, if you would like to come forward. If you wish, you may make a presentation to the committee. If you do not wish to do so, we'll proceed immediately to questions. Did you wish to make a presentation?

**Mr Michael Rohrer:** Yes, please.

**The Acting Chair:** Please go ahead.

**Mr Rohrer:** Good afternoon. I'm pleased to be here today to answer questions you may have regarding my pending appointment to the Assessment Review Board. Currently, I am a real estate appraiser with Gorski and Associates in the city of Windsor. I've been practising real estate for a total of three years and have been a member of the Appraisal Institute of Canada since 1994. During my appraisal career, I have completed real estate valuations on various real properties such as residential, agricultural, commercial and industrial, and more unique properties such as island properties, conservation properties, and recently an Indian reserve.

I have completed the educational component and practical component for the CRA designation, or certified residential appraiser. Currently, I'm enrolled in a distance degree program called real property appraisal and assessment from St Francis Xavier University in Antigonish, Nova Scotia. This program is the only degree program offered in Canada that focuses in on property assessment. In fact, many people enrolled in the program are employees of assessment offices across Canada. Upon completion of this program, from which I am four credits away, I will have finished the educational component to an AACI designation, or accredited appraiser, Canadian Institute, which is the highest real estate appraisal designation in Canada.

I obtained my bachelor of arts degree from the University of Windsor, with focus on political science and commerce. I have owned and operated several small businesses and have been active in several church and community organizations.

My wife, Diane, and I reside outside the city of Windsor in the town of Tecumseh and have been there for the past two and a half years.

I look forward to your questions and I thank you for this opportunity.

**The Acting Chair ( Mr Steve Gilchrist):** Thank you, Mr Rohrer. That does afford us an opportunity for questions from each caucus. We'll start with the official opposition. I beg your pardon. I was just corrected by the clerk where we left off last time. Mr Martin will start the rotation.

**Mr Martin:** Mr Rohrer, I'm aware of your connections with the Conservative Party and your support of

Mr Long in the Alliance leadership. You must be somewhat disappointed that he didn't go further than he did, or perhaps you're happy with Mr Day, seemingly a little more right-wing than even Tom Long, if that can be imagined. I was just wondering, are you still a card-carrying member—

**Mr Joseph Spina (Brampton Centre):** He's in the same league as you, Tony.

**Mr Martin:** You mean a little more left than normal?

Are you still a card-carrying member of the Progressive Conservative Party of Ontario?

**Mr Rohrer:** Yes.

**Mr Martin:** What about of Canada?

**Mr Rohrer:** No.

**Mr Martin:** Are you a member of the new Alliance?

**Mr Rohrer:** Yes.

**Mr Martin:** I see that you ran in 1995 and 1999?

**Mr Rohrer:** Correct.

**Mr Martin:** I'm not saying that in any negative or critical way. I've done it a few times myself and succeeded at one point—

**Mr Rohrer:** Some more successful than others.

**Mr Martin:**—and haven't looked back.

In light of that, do you think you can separate your political background from the work you would be doing at the assessment board, if appointed, and what can you tell us here today that will assure us that that will be in fact the case?

**Mr Rohrer:** I appreciate the question. I don't think there should be any concern about my abilities as a potential assessor. For example, as a real estate appraiser, major banks and lenders rely on my opinion of value to lend money on mortgages. My political beliefs or religious beliefs, or whatever, don't impact my ability to value properties from a market approach.

**Mr Martin:** Have you worked in non-partisan settings before? I guess you just shared one with me. That hasn't been a problem?

**Mr Rohrer:** Certainly not.

**Mr Martin:** Are you aware of the increase in costs for appealing to the board that came about in 1999, and do you believe the fee increases discriminate against small business owners who believe their assessment is unfair?

**Mr Rohrer:** I'm not familiar with the fees you're suggesting, but I do think the process is important, that people have the ability to appeal if they feel their property is valued too high, or in some cases potentially lower than market value.

**Mr Martin:** Just let me fill you in: The fees for residential went up 150%, from \$20 to \$50; the multi-residential went up 525%, from \$20 to \$125; and the commercial-industrial went up 150%, from \$50 to \$125. Do you think that would be an impediment?

**Mr Rohrer:** An impediment to making an appeal?

**Mr Martin:** Yes, for a small business person.

**Mr Rohrer:** No, I don't believe so.

1340

**Mr Martin:** The 1999 property value assessments show that property value has increased more in the city centre of Toronto as opposed to the suburbs since 1996.



This suggests that the property tax load could be shifted to the inner city but that it does not need to be because the increase in value assessments could be offset by lower tax rates with the city earning the same amount of revenue. What do you think should occur?

**Mr Rohrer:** With respect, I don't understand the question.

**Mr Martin:** With the assessment showing that property value has increased more in the city centre of Toronto as opposed to the suburbs, that means that there may be a shift in who pays the freight in terms of services in the GTA. At this point in time, I believe Mel Lastman is complaining that they're carrying the freight for a lot of the services that are offered for the whole of the GTA. What do you think should happen there?

**Mr Rohrer:** With respect to the Assessment Review Board, I think that would probably be outside its realm because you're speaking of municipal policies and mill rates etc and how they're applied to the assessed value. So I don't see how that is related to the Assessment Review Board.

**Mr Martin:** OK. As you're aware, I'm assuming the provincial government's capping legislation will end at the end of 2000. The Association of Municipalities of Ontario has come out in support of continuing the caps, while the Toronto board of trade is opposed. The board is worried that commercial property owners will flee the downtown core because they pay higher property taxes in Toronto than they would in the surrounding GTA because of the caps on tax increases on small businesses in Toronto. What would your position be on whether we should remove the caps or leave them on?

**Mr Rohrer:** With an appointment pending, and certainly there would be some related training if I am in fact appointed, I think it would be premature to comment on that.

**Mr Martin:** It will certainly, I would think, impact and affect your decision-making should you get appointed to this board. I think it would be significant information for you to consider and I would think as well that there would be some people out there who would be rather anxious to know how a new appointee to that board would respond to appeals they would make, particularly after the cap is taken off. As you are probably aware, the small business community protests over tax changes is what led the government to pass the Small Business and Charities Protection Act for Toronto and a similar bill, Bill 79, for the rest of the province. That bill capped increases in taxes to those folks to no more than 2.5% of 1997 taxes for 1998, 1999 and 2000. That will be a big jump for a whole lot of small businesses come the year 2001 and onwards if the cap is taken off. You have no opinion or view on where that should go?

**Mr Rohrer:** I'm not certain of your question again, with respect. But once again, not yet being appointed to the board and not yet receiving the appropriate training, I don't know that it would be prudent to comment on things that are hypothetical etc. I don't have a comment to that right now.

**Mr Martin:** So you have no opinion on that. It's argued that when the cap was put on the tax burden was being redistributed so that homeowners picked up a big chunk of the cost of delivering services, and of course that battle will ensue if and when that cap is taken off. It's just an issue that I think you need to be concerned about as you—I suppose, looking at the makeup of the committee today—look forward to an appointment. It's one that I think you should be thinking about and it's one that I think people should know your position on before you're appointed, so that they know what your tack will be when that happens.

**Mr Rohrer:** If the underlying theme of your question, if I'm getting it correctly, is one of whether or not I believe the system's fair, as a homeowner, as an income property owner and as a small business person, I would argue that the system as I see it, if you're asking my opinion, is fair.

**Mr Martin:** It is fair now as it stands. With the cap on?

**Mr Rohrer:** Once again, with respect to that question, I'm not certain where you're going with your question and I will say again that until I'm appointed—I'm not yet appointed and I have not yet received the appropriate training—I don't know that it would be prudent to answer those types of questions.

**The Acting Chair:** Thank you, Mr Martin. Government members.

**Mr Wood:** We'll waive our time.

**The Acting Chair:** Thank you, Mr Wood. The official opposition.

**Mrs Dombrowsky:** Good afternoon, Mr Rohrer. Just with regard to the capping issue, it is a result of government Bill 16 and Bill 79, and certainly the Association of Municipalities of Ontario, the Municipal Finance Officers Association, the Association of Municipal Managers, Clerks and Treasurers of Ontario, and the Association of Municipal Tax Collectors of Ontario have all collectively indicated that they believe that the cap, period, should be extended. You've indicated that you're going to get some appropriate in-service should an appointment be made, and I expect that would come from representatives of the government, so you're going to be in-serviced from a particular perspective. Would you be inclined to contact any of these associations to perhaps better understand their issues with regard to capping?

**Mr Rohrer:** In a general view, if I am in fact appointed, if the question is if I am a member of the Assessment Review Board, if I see that there are areas of efficiencies, etc, once again in the hypothetical, I would suggest to you that I probably would make recommendations at the appropriate time. But with respect to your specific questions, I don't have an opinion on that at this particular point.

**Mrs Dombrowsky:** You don't have an opinion on whether or not you'd be inclined to get the other side of the story? That's really my question.

**Mr Rohrer:** No, maybe you're—

**Mrs Dombrowsky:** I'm sorry; I guess I was not clear. I'm telling you today it is a fact, it's a matter of public



record that these associations believe that the cap should be extended. Would you be inclined, in your role as a member of the Assessment Review Board, to engage any or all of these associations to understand better their position?

**Mr Rohrer:** I would be inclined, if I am appointed, and related to my expertise related to market valuation, to make recommendations to the appropriate body.

**Mrs Dombrowsky:** Well, I guess you've left me quite unclear. Does that mean you would be inclined to contact—

**Mr Rohrer:** I'm sorry?

**Mrs Dombrowsky:** Just answer me straight: would you contact them or wouldn't you?

**Mr Rohrer:** Well, I think I've answered it. I've indicated to you, and I'll say it again, that based on my experience with market valuation, and if in fact I am appointed, if there are areas that concern me or I feel I can shed some insight on, I would do so.

**Mr Bartolucci:** Of the three acts you're going to be dealing with, which one causes you the most trouble, Michael: the Assessment Act, the Education Act or the Municipal Act?

**Mr Rohrer:** As I understand it, they were all amended under the one bill, which I won't profess to be an expert on. Certainly, with that appropriate training, as I indicated, I would probably be in a position to comment on that thereafter.

**Mr Bartolucci:** You know there have been quite a few amendments to the act to try to get it right. Are there any concerns that you have with it, the way the legislation is now?

**Mr Rohrer:** I don't know that I'm in a position to have enough knowledge about the act to comment.

1350

**Mr Bartolucci:** OK. How do you envision your workload? How do you see it? How many days are you going to be doing this? How many hours? Any idea? Have they told you?

**Mr Rohrer:** As I understand it, it's a part-time appointment, which by my math is a few weeks a month and they are full-day meetings.

**Mr Bartolucci:** So you envision a full day for only a couple of weeks?

**Mr Rohrer:** Yes. Full-day meetings, as I understand it, two weeks a month, plus or minus.

**Mr Bartolucci:** What's the pay?

**Mr Rohrer:** I believe it's \$200 a day.

**Mr Bartolucci:** Let's go back to your political aspirations—because there's nothing wrong with that, by the way. Are you going to run in 2003? Are you going to seek the nomination then? Are you still interested, is what I'm asking, to be a candidate?

**Mr Rohrer:** Well, I guess I'll cross that bridge if I get to it, but at this point—

**Mr Bartolucci:** You haven't made up your mind, then?

**Mr Rohrer:** At this particular point, no, I don't believe I have any further political aspirations.

**Mr Bartolucci:** One final question: At a debate with students at St Joseph's Secondary School on the environment, you chose to speak about a hockey game, as opposed to spending time on the environment, and the students were critical of you in the paper for that. In light of what has happened, next time if you are asked the question, "Do you think this government should be spending more time in dealing with the problems of the environment?" what would you say?

**Mr Rohrer:** I'm curious as to where you got your information. I was at the debate and I don't remember seeing you there. I had actually asked a friend about the score from the previous playoff game that the Maple Leafs were involved in and we did have a very open and honest debate about environmental issues for about an hour. So I'm not sure where you're going with that.

**Mr Bartolucci:** I guess I get my information from 18-year-old Kevin Bankovic, who decided that he wouldn't be supporting you when he said, "When they were each supposed to talk for 10 minutes, he"—referring to you—"only talked for two minutes and said something about a hockey game."

**Mr Rohrer:** I think that's the same individual who chaired the youth party for one of my opponents.

**Mr Bartolucci:** You did make a lasting impression on him.

**Mr Rohrer:** I understand he was the youth chair for one of my opponents' campaigns, but all I would add to that is, consider the source.

**Mr Bartolucci:** There were a few other people who commented in the same article, students who were in fact turned off by your approach to not speak on environment issues.

**Mr Rohrer:** Once again, with respect, Mr Bartolucci, I was there and—

**Mr Bartolucci:** So were these people.

**Mr Rohrer:** But you, sir, were not and I can tell you that you should consider the source. It was a very good debate. It was an hour-long debate about very important issues. Yes, I'll admit I was curious about the previous evening's hockey game score. You can appreciate that in campaigns you spend a lot of time and you don't have a chance to check—

**Mr Bartolucci:** I usually deal with the issues. Thanks.

**The Acting Chair:** That being your final question, I take it, Mr Bartolucci, Mr Rohrer, thank you very much for making the trek down to Toronto. We'll see you again. My regards to your family.

ALLAN LAAKKONEN

Review of intended appointment, selected by third party: Allan Laakkonen, intended appointee as member, Cancer Care Ontario.

**The Acting Chair:** Our next consideration will be Mr Allan W. Laakkonen. Good afternoon, sir.

**Mr Allan Laakkonen:** Good afternoon.

**The Acting Chair:** We have 30 minutes of consideration. If you wish to make an opening statement, you are



certainly free to do so, after which we'll afford time for questions to each of the caucuses.

**Mr Laakkonen:** Thank you very much, Mr Chair and members of committee.

I've been a lifelong resident of Thunder Bay except for the three years I attended Ryerson and the three years I taught at the Dar es Salaam Technical College in Tanzania. My resumé gives you details of my involvements in Thunder Bay over the years. The opportunity I was given to serve on the city council of Thunder Bay was exceptionally rewarding, through interaction with the community and becoming familiar with what their feelings were. It was certainly a rewarding experience.

What is not mentioned in the resumé is my past association with the Northern Cancer Research Foundation. While serving on that board, I had the opportunity of meeting and working with the Northwestern Ontario Regional Cancer Centre to get an understanding of the challenges they had to meet and the work they had to do.

For the past year I have been a public member of the College of Medical Radiation Technologists of Ontario and I've learned a great deal about their profession, particularly regarding radiography, radiation therapy and nuclear medicine.

Since I was advised of my name being proposed as a member of the CCO board, I've done some research on the organization, namely, to determine its mandate and organizational structure. Thank God for the Web. It's just a tremendous tool.

For Cancer Care Ontario, the responsibilities are to conduct programs of research, diagnosis and treatment of cancer, and specifically the objectives under the cancer care act, being to transport patients, to carry out laboratory and clinical investigations of psychiatric disorders, to establish and operate hostels in connection with its treatment centres or the Ontario Cancer Institute or the Princess Margaret Hospital, to coordinate facilities for treatment, to report cases, to record and compile data, to educate the public, to provide facilities for undergraduate and post-graduate study and to provide technical training and award research fellowships.

Further, I thought I'd find out what the vision statement would be for Cancer Care Ontario. If you'll bear with me on this, I've got the bottom line, so to speak: To lessen the growing burden of cancer in Ontario by ensuring that all Ontario residents have timely, equitable access to an integrated system of excellent, coordinated and efficient programs in prevention, early detection, care, education and research.

In looking at the mandate, it's certainly overwhelming, but in the requirements for an appointment to the board, there are no prerequisite requirements in the sense of being a medical practitioner. I feel with the experience I've had with numerous boards and associations over the years, I can contribute to helping CCO meet their responsibilities and objectives and meet the vision statement of Cancer Care Ontario.

It certainly would be an honour and a privilege to serve as a member of the board of directors of Cancer Care Ontario.

Just as a footnote I thought of to add to my notes as I was coming over, to me, cancer knows no boundaries. It has no colour limitations, no age limitations. It can touch any one of us and all of us at any given time. I've had some recent experiences where that has been the case.

I'm very fortunate. We're celebrating our 40th anniversary this year. My wife was an operating room nurse, so subliminally I became associated with medical terminology, and I'm thankful to her for that. Through that association as well I got to meet the medical community, and I feel I would have access to their expertise. As a matter of fact, in my resumé I say I play in a Dixieland jazz band, and the piano player is a coroner and the fellow who started the band is a retired coroner, so it's just associations like that and being sensitive to the public and what the public feels, and in terms of responding to it.

There are different ways of thinking about things and approaching things. I've always done my homework, and before I'd answer a question, I'd be sure I had all the facts and had determined the veracity of any statements that were made. Thank you.

**The Acting Chair:** Thank you, Mr Laakkonen. I guess inviting your band would liven any occasion. The questioning this time will start with the government.

**Mr Wood:** We'll waive our time.

**The Acting Chair:** Thank you. Mr Bartolucci.

**Mr Bartolucci:** Welcome to the committee. You're obviously familiar with the petition that has been circulating around Thunder Bay with regard to the northern health travel grant.

**Mr Laakkonen:** I've heard of it. I haven't seen it.

**Mr Bartolucci:** You haven't signed it? You're not one of the 10,000 who have signed it?

**Mr Laakkonen:** No one has approached me about it, so I haven't seen or signed the document.

**Mr Bartolucci:** What do you think of the present government's policy with regard to paying expenses? We call it health care apartheid. I'm sure you've heard this terminology.

**Mr Laakkonen:** Excuse me, I didn't hear you, sir.

**Mr Bartolucci:** You'd have to be living in a cocoon not to hear the controversy surrounding the treatment of cancer patients from the north and the treatment given to the south. Are you familiar with that issue?

**Mr Laakkonen:** Yes, I am.

**Mr Bartolucci:** Give us your take on it.

**Mr Laakkonen:** My take on it would be just to look at the direction of Cancer Care Ontario, which is to provide equitable service to everyone. I certainly am not apprised of the mechanics of the travel grants, and I wouldn't want to give a specific answer, but certainly if there are any inequities, then I would raise that point and say, "If they exist, then how do we correct that?" It's a big province and there are lots of people in the province.

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**Mr Bartolucci:** You said that cancer knows no boundaries and you are absolutely correct on that. It doesn't know lists either. The government, as you know,



pays all costs associated with travel accommodation and meals for those cancer patients who are re-referred from Toronto to other points: Thunder Bay, Sudbury or the States. You know that northern cancer patients only get 30.4 cents a kilometre one way. In your estimation, is that equitable?

**Mr Laakkonen:** A specific answer would be difficult without knowing the mechanics of how the travel grant works, but with the re-referrals, I understand that program applies to prostate cancer and breast cancer only. Quite honestly, I don't have enough knowledge to answer your question specifically, but if inequities did occur, I've always been one to state my position, be it popular or unpopular.

**Mr Bartolucci:** Give us your opinion then. I'll ask you for your opinion. Mary from Thunder Bay, who can't be treated in Thunder Bay, has to travel to Toronto for treatment. She gets 30.4 cents a kilometre one way. That's the policy. That's the northern health travel grant in a nutshell. Somebody from Toronto who has been re-referred to Thunder Bay gets full transportation costs—air, if they choose—all meal costs, plus all accommodation costs at a hotel. Is that fair, in your estimation?

**Mr Laakkonen:** On the face of it, it wouldn't be fair. But again, to answer specifically, if that inequity did exist then I would certainly make sure, as best I could, to correct that. That's all I could say at this point.

**Mr Bartolucci:** So you would challenge the government that's going to appoint you that you do not believe this discrimination is right?

**Mr Laakkonen:** If I felt that some rethinking was required I would do that.

**Mr Martin:** Given that there seems to be a bit of a lack of information at your disposal or in your experience re this whole issue which Mr Bartolucci has just raised, which all of us who represent the north and many of us who live in the north have had to deal with personally in many significant ways, let me just give you an example.

Donna Graham lives in Pickle Lake, which is 525 kilometres one way from Thunder Bay. She has made 14 round trips to Thunder Bay for treatment since May 1999. She has flown twice to Thunder Bay, was driven once to Ignace and then took the bus to Thunder Bay, 235 kilometres, and was driven 11 times to Thunder Bay and back. Travel costs alone are \$6,077 but she will only receive \$2,271 in total compensation from the government. She has paid \$3,806 out of her own pocket to access cancer care.

Donna Graham travels farther by car in the north to access care in Thunder Bay than any southern Ontario patient who is referred from Toronto, London and Hamilton to Buffalo, Cleveland, Detroit or Kingston. Yet those folks will get everything paid and Donna Graham will get a reimbursement of some \$2,271 out of an overall cost of some \$10,000. In your view, is that fair?

**Mr Laakkonen:** On the face of it again, it doesn't appear to be fair, and obviously I don't have access to the file. But if presentations have been made to whatever the governing agency is relative to dispensing those costs, I

would think it would be the opportunity for the board—I'm not sure what the mechanics are of relations with people who are having problems. But I'd certainly be willing to listen to anybody and everybody who is having a problem to determine if those inequities can be solved or not.

**Mr Martin:** Have you yourself had to travel for health care or has anybody in your family had to travel for health care?

**Mr Laakkonen:** No, we haven't. My brother-in-law passed away last night from cancer. He had all the care he needed in Thunder Bay and didn't have to travel. But no, we've been fortunate in the sense that we haven't had to travel.

**Mr Martin:** In Sault Ste Marie, where we don't have a cancer centre such as they have in Sudbury or Thunder Bay, my constituents are travelling all the time. As a matter of fact, there's an organization in the Soo—the Elks—that has spent its own money to buy a van that they put at the disposal of cancer patients to travel back and forth to Sudbury to get the care they need, which is an attempt by our community to take the edge off the load. Health care is not only expensive from a taxpayer's perspective in Sault Ste Marie re the cost of the facilities and doctors etc, but it becomes a personal cost to people and families as they try to access cancer care. Sudbury on a good day is three hours away; Thunder Bay is as far away as Toronto and less accessible by air than Toronto. We pay a big price for our health care, not to speak of the costs for cancer care.

Gerry Loughheed—that name is probably familiar to you—a man, from some of our perspectives anyway, of tremendous integrity, worked with an organization over a number of years to try to put in place the best that was possible for the folks in the north. It finally got to a point where he was totally frustrated, and in an attempt to effect change became very public and critical in his assessment of the circumstances and is now no longer serving in his capacity with Cancer Care Ontario and northeastern cancer care.

If it came to a point where you thought what was happening was not in the best interests of the people you represent in northern Ontario, what was happening under your purview in your role on the board, how far would you be willing to go to make that point?

**Mr Laakkonen:** I think I'd follow every avenue that was available to me to make that point, and then, as with any decision, it's going to fall one side or the other depending on what the issue is. Some people are going to support it and some aren't. I've never backed away from making a point, even being right or wrong from a point of view, but if it came to the point of having to present it, then I would have no difficulty at all in presenting a different point of view.

**Mr Martin:** If it came down to supporting the present government's direction and perhaps unwillingness to put more resources into the pot so that we're not facing the kind of challenge that we are now in Ontario, which some people have referred to as cancer care apartheid,



you would be willing to stand up for the people of the north in that instance?

**Mr Laakkonen:** I certainly would, but I don't think I would agree with the term "apartheid" in terms of health care delivery in this province.

**Mr Martin:** Having said that then, let me share with you another example just so you understand why some of us are calling it that. Lorraine Newton lives in Kenora but cannot access cancer care in Thunder Bay. She has a rare eye cancer which is being treated in Toronto. She must drive to Winnipeg, 207 kilometres, and then fly to Toronto for care. She has made four trips to Toronto and will go again in September. The best discounted airfare was \$287.23. Usually she pays \$400. She pays \$23 to come from the airport to the city, \$59 for one night in a hotel used by Princess Margaret, and food costs are added on. She receives \$146.40 in total compensation from the government for each trip. Lorraine Newton travels farther by car just to get to Winnipeg than a southern Ontario patient who is referred from Toronto to Buffalo or from London to Buffalo or from Hamilton to Detroit. Those people will get full compensation; Lorraine Newton, just as I suggested with Donna Graham, will not. You don't see that as two separate systems operating side by side in the same province?

**Mr Laakkonen:** Again, just on what you've stated, there appears to be that inequity, but certainly I think apartheid is too strong a word to apply to it. If there are any anomalies in the process—I don't think there's anything in this world that's perfect, whoever does it or whoever creates it. You go through a matter of evolving and trying to come up with a policy that indeed does meet the mandate that's been presented to Cancer Care Ontario and, for that matter, to the government of Ontario.

**The Acting Chair:** Thank you very much, Mr Laakkonen, for coming all this way down to the hearings from Thunder Bay. I hope you had an enjoyable trip and we appreciate your making your presentation.

**Mr Laakkonen:** Thank you very much and thank you for the questions. I hope I answered them.

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#### CHARLES SANDIFORD

Review of intended appointment, selected by official opposition party: Charles Sandiford, intended appointee as member, Cancer Care Ontario.

**The Acting Chair:** Our next consideration will be Mr Charles Sandiford. Good afternoon and welcome to the committee. We have 30 minutes at our disposal. You can make an introductory statement if you prefer, or not, and the remaining time will be split among the three caucuses.

**Mr Charles Sandiford:** I haven't been this nervous since I got married. I'm going to tell you about my own experience with cancer in order to explain my interest in this appointment. It says here I'm now to read that history and I'll try to do that.

In June 1997 I was diagnosed with cancer after failing to recover from what I thought was laryngitis. Initially, I was thought to have esophageal cancer and was told by three different doctors that I would not last to see Christmas. They suggested that I get my affairs in order, which I did. It didn't take very long. This disease progressed to the point where my throat was closed so often I could not breathe. I was taken to the Toronto Hospital emergency section where I was immediately admitted and prepared for a tracheotomy, which was completed the next day. After some weeks of tests and a series of biopsies, it was determined that I had non-Hodgkin's lymphoma cancer in the thyroid area.

The good news in this diagnosis was that I could be treated and my chances of recovery were 50-50. The tube in my throat was to stay for the next four months, a very unpleasant experience but by far better than the alternative. Not being able to talk for that period was a difficult situation, especially for me, as I know Mr Gilchrist will testify. In September I had my first chemotherapy treatment followed by 10 days of Nuprogen injections. After the second treatment there was a dramatic reduction in the swelling in my neck but the tube stayed in until after my third and final treatment.

In early January, the tube came out and I was scheduled to take 20 radiation treatments which were administered at Princess Margaret Hospital. I suffered no side effects during chemo or radiation. The tube was another matter. My normally large neck, coupled with the swelling, caused the tube to frequently come out, with very dire consequences. Actually, you suffocate when that happens.

A longer tube was ordered from California which finally corrected the problem. Doctors Irish, Sturgeon and Tsang are outstanding professionals with a compassion and ability that I have rarely witnessed in my long battle with my health. I continue to see Sturgeon and Tsang, the latter in April when I was again considered in remission.

I never experienced any delay in admission or treatment, nor was I ever redirected in four emergency trips. Media reports of the difficulties of others puzzle me no end. While the treatment was not perfect, it worked for me. Improvements in strategy in respect to training and significantly more backup from manufacturers in the provision of trained operators for their very sophisticated equipment would ensure that machines were not left idle nor only employed seven hours a day.

I go on now to tell you about my own experience, that is, business experience. The media reports of the deterioration of treatment disturbs me no end. As a board member, I will be able to find out why and, more importantly, work to correct whatever problem might exist. The extensive material I requested from Cancer Care Ontario is very impressive and reveals their very worthy purpose. It has also provoked many questions in respect to what reporting mechanisms that may or may not be in place.

My business experience was with two major consumer finance corporations. Operational areas were required to



submit frequent statistical reports from which we were able to identify problems and quickly take corrective action to ensure our overall objectives were met, and of course monitor our progress. This is not the time to elaborate on the scope of these reports but the process might be useful to Cancer Care Ontario's management.

You will notice from my resumé that I never earned any formal degree. However, my business experience was a learning process which had no end. We were continuously on in-company training programs authored by very prominent American business schools. Negotiations with people like the late A.J. Billes, His Worship Mayor Mel Lastman and brother Allan and others were a lesson never delivered in a classroom. The counsel of the Honourable Willard Z. Estey was always a source of comfort and command. He was our corporate lawyer.

In closing, I would like to tell you about my family. My wife and I will soon be married for 50 years. Son Jim is a chartered accountant and partner. Bob is a school principal with a master's in education. David has his honours in English, a BA in history and a bachelor of education. He is a teacher in the York board. If that isn't enough, we now have five grandchildren and counting. We just got one on June 16, by the way.

Thank you for your time and indulgence, and now it's your turn.

**The Acting Chair:** Thank you very much, Mr Sandiford. This time the questioning will commence with the official opposition.

**Mr Bartolucci:** First of all, Mr Sandiford, I'm happy that you're a cancer survivor. I wish you many years of good health, and I say that most sincerely.

**Mr Sandiford:** Thank you for that.

**Mr Bartolucci:** I also congratulate you on your anniversary coming up and on a very successful family. I'd like to talk to your son Bob sometime and we could discuss education issues. I'm sure it would be a lively discussion.

**Mr Sandiford:** It's a very lively family discussion almost every week.

**Mr Bartolucci:** I am sure it is.

You mentioned the excellent care you received in Princess Margaret Hospital. Having had a father who fought and lost a battle with cancer, I can attest to Princess Margaret's excellent service and dedication. There's no question about that.

I'd like to quickly present a scenario to you. If you, Charles Sandiford, had to be treated for your cancer in an area outside of Princess Margaret, so that you were referred to Sudbury or Thunder Bay or to one of the areas in the States that would treat your cancer, you know that you would receive full travel costs, full meal costs, full hotel accommodations.

**Mr Sandiford:** No, I didn't know that.

**Mr Bartolucci:** You would receive that, and I think that's important information for you to know. If you, Charles, were from Sudbury and you couldn't be treated for your cancer in Sudbury and you had to come to Princess Margaret, you would only get one-way trans-

portation costs at 30.4 cents a kilometre. You would have to pay for your taxis, you would have to pay for your hotel, you would have to pay for your meals. Do you believe that's fair?

**Mr Sandiford:** I heard the question delivered by Mr Martin regarding that issue as I came in here, and truly it doesn't seem fair, but I really don't know enough about the circumstances which caused that discrepancy to offer any real opinion on it. But these are some of the items I'd like to pursue as a board member.

**Mr Bartolucci:** This is a compliment and I want you to take it as that. You have a passion for this, it's obvious, and you've done your homework. That's obvious as well. I want to tell you that this in fact is the case. After you study it, you will find out that the government uses terminology very skilfully, but the reality is, Charles Sandiford in Toronto would get full costs. Charles Sandiford in Sudbury going to Toronto or another place would not. If, when you study it, you find out that is exactly what happens, will you stand up to the government and fight to ensure that there is equal treatment of cancer patients in this province?

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**Mr Sandiford:** I would like to answer that question in this fashion, and that is, having experienced cancer—and I know you're speaking from some experiences; not very happy ones—I would like to see the treatment of cancer equal for everyone in the province of Ontario, even in Canada. To that end, that would be my motivation and the reason why I would be interested, and am interested, in this appointment.

**Mr Bartolucci:** I wish you much success in your appointment and I wish you the best of health and much happiness.

**Mr Sandiford:** Thank you very much.

**Mr Martin:** Thanks for coming today and sharing your personal story. I know how difficult that can be and I appreciate your doing that. Mr Bartolucci has painted a picture for you re the issue that we both bring from northern Ontario. Some will differ on how you describe it, as cancer apartheid or discrimination, but certainly there are two different approaches where funding is concerned, and the cost to individuals and families to access the care they need and the pain and anguish that can cause. You have referenced that you heard a couple of the scenarios I painted, which are very real—

**Mr Sandiford:** Exactly.

**Mr Martin:** —and I have more. They are not isolated or single. There's a whole whack of them that any one of us who represents constituencies in northern Ontario could tell, because they come to our office and they ask for help from us to try to access a bit more in support and ask us to help them understand why the system is as it is. I won't say any more on that. I think you heard it and you'll probably bring it to the table when you get your appointment, as I'm sure you will this afternoon. Hopefully, on our behalf, you will be successful in convincing somebody that it should be dealt with, because it indeed isn't fair.



I'm going to put another issue on the table for you just to get your comment and your view. Say a government knew in 1995 that there was going to be a shortage of radiation therapists, not just in Canada but internationally, and knowing this chose to save a few dollars by cancelling the training program for radiation therapists in Ontario, so that this year, while cancer patients are being shipped to the United States to get treatment that they can't get here in Ontario, there are no new radiation therapists graduating in Ontario. Would you agree that the short-sightedness of that government has contributed to the crisis we are facing? In the intended appointment position, what would you be prepared to do to hold this government accountable on that and perhaps other such scenarios that you might discover as you begin to do this work?

**Mr Sandiford:** The way you speak about the government's abandonment of responsibility I don't think is entirely accurate. In my last paragraph, when I talked about my own situation, I said specifically about radiation operators—I don't know whether you're familiar with what that takes, but that's a very long process where the template has to be designed for you personally and what have you—that companies that provide these multi-million-dollar machines should also share some responsibility in training operators. I'm sure, knowing the private sector as I do, that if you made that a condition of a purchase, they would provide you with operators.

Having said that, I notice too that the government attempted to get operators of radiation equipment from outside the country, and they were denied entry. I don't understand that either. But there are many areas in the health care system which need to be addressed. Where to begin, and to think that everybody is going to be perfect in their final decisions is more than we can really expect. We can only work at it. That's one of the reasons I'm here, because I think I can make a contribution to help settle some of those issues and bring everybody into the same treatment level that I had. I never waited for anything, yet I witnessed three machines at Princess Margaret that weren't being used because of what you're talking about, the lack of operators. So it would appear on the surface that it was a mistake, but I don't think it was something that was designed to hinder the care of cancer patients. I think they just made a mistake. I didn't even know what you're talking about before I got here today.

**Mr Martin:** They actually cancelled the training program for radiation therapists.

**Mr Sandiford:** I heard you about that.

**Mr Martin:** I would consider that a mistake.

**Mr Sandiford:** Training, as I've already pointed out here, is a big issue with me and it's the answer to a lot of operational problems. If you have a good training

program and develop a surplus of operators or a surplus of treatment centres, whatever, you obviate the need for any of these other issues that you've brought up. They just won't exist.

**The Acting Chair:** Thank you very much, Mr Sandiford. Did I forget the formality of turning to Mr Wood?

**Mr Wood:** We'll waive our time.

**Mr Sandiford:** I was hoping I'd hear from member Morley Kells. I haven't seen him for a long time.

**The Acting Chair:** ESP is a prerequisite of being a committee Chair. Thank you very much, Mr Sandiford. We appreciate your coming down and making yourself available to the committee for these hearings. I wish you a safe trip back.

**Mr Sandiford:** Thank you very much.

**The Acting Chair:** That takes us now to motions for concurrence.

**Mr Wood:** I move concurrence in the intended appointment of Mr Rohrer.

**The Acting Chair:** Is there any further discussion? Seeing none, I'll put the question. All those in favour? Opposed? The motion is carried.

**Mr Wood:** I move concurrence in the intended appointment of Mr Laakkonen.

**The Acting Chair:** Any further discussion on that appointment? Seeing none, I'll put the question. All those in favour? Opposed? That appointment carries.

**Mr Wood:** I move concurrence in the intended appointment of Mr Sandiford.

**The Acting Chair:** Any further discussion?

**Mr Bartolucci:** I'll be supporting Mr Sandiford because I think he's what an appointee should be. He has some passion, he certainly has first-hand knowledge and experience, and he came to this committee extremely well prepared. The people I didn't support today would do well to take a lesson from this gentleman. This is the way you appear before a committee, with some passion, with wanting to do something. I know Cancer Care Ontario will be better because Mr Sandiford is being appointed. There is absolutely no question in my mind.

I came down here with the preconceived notion that they were all Tory appointees and I was going to have difficulty supporting any of them. I must tell you again, Mr Sandiford, your passion is what Cancer Care Ontario needs and your very straightforward approach is what they need. Finally, you will have to get their attention every once in a while, and don't be afraid to do that in whatever way works best for you.

**The Acting Chair:** Any further discussion? Seeing none, I'll put the question. All those in favour? It's unanimous.

The committee stands adjourned until August 29.

*The committee adjourned at 1429.*







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First Session, 37<sup>th</sup> Parliament

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Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Tuesday 29 August 2000

# Journal des débats (Hansard)

Mardi 29 août 2000

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Nominations prévues



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 29 August 2000

Mardi 29 août 2000

*The committee met at 1002 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** For the purposes of Hansard I'll call the meeting to order and welcome all of you here. As you know, our rearrangement compensates for certain other meetings. Thanks to the very helpful committee that we have, which is a subcommittee, we were able to arrange this in such a manner as to deal with these items more expeditiously.

Our first item is the report of the subcommittee on business dated Thursday, July 27, 2000. Is there a mover?

**Mr Bob Wood (London West):** I move its adoption.

**The Chair:** Mr Wood moves its adoption. Is there any discussion?

All in favour? The motion is carried.

## INTENDED APPOINTMENTS

## DAVID BROWN

Review of intended appointment, selected by official opposition party: David Brown, intended appointee as member, Cancer Care Ontario.

**The Chair:** We will now begin the appointments review: a half-hour review of intended appointments.

I should tell you that the agenda you have at the present time is not complete and that a new agenda will be provided for you. There is an 11:30 selection, and at 12 o'clock motions of concurrence. It's not quite right yet and it will be. What you have is one side of the page; I have both sides of the page. That will be corrected for you.

We begin this morning with the selection of the official opposition party, Mr David A. Brown, the intended appointee as member, Cancer Care Ontario.

Welcome to the committee, Mr Brown. The procedure that we follow is that you have an opportunity to make an initial statement, should you choose to do so, and then you are questioned 10 minutes by each of the political parties. They have an opportunity of up to 10 minutes.

**Mr David Brown:** Thank you, Mr Chairman. I thought I might spend a few minutes perhaps just explaining to the committee why I'm here, and a bit of the background that led me to being recommended for this appointment.

The story really starts about six years ago when I was a lawyer in private practice. I was approached by the chairs of both Princess Margaret Hospital and what was then the Toronto Hospital to see if I could assist in arranging the merger of Princess Margaret, which was entirely a cancer research and cancer treatment facility, with the oncology program at Toronto Hospital.

I think Princess Margaret was well known at the time with a strong international reputation for cancer care. What was less well known was that there was a cancer program at Toronto Hospital that, in terms of dollar volume, was almost as large as that of Princess Margaret. I think the vision of the two chairs was to try to put the two together. In the course of that, although at least a year later, I was asked to join the board of Princess Margaret Hospital and ultimately became vice-chair of Princess Margaret.

Our first two attempts to merge the two programs weren't successful. Our vision was to try to create an integrated, comprehensive cancer facility combining world-class research with high-quality care at all levels for patients with cancer. I'm pleased that on the third attempt we did get a formula right and that the constituents for both the Princess Margaret side and the Toronto Hospital side agreed that we had properly developed a vision for putting the two together. As a result, we created what is the largest comprehensive cancer facility in Canada and indeed, I think, one of the largest in the world.

After the merger, I was asked to become a trustee of the Toronto Hospital and ultimately a vice-chair of that organization, and as the committee will know, it has since been renamed the University Health Network following the amalgamation with Doctors Hospital as well. The cancer program for the merged institutions, which is now centred at Princess Margaret Hospital, is directed by a permanent standing committee of the board, which really functions as a mini-board of directors for the cancer program. Under the amalgamating statute, the cancer program is called Princess Margaret Hospital, and although technically there's only one hospital, which is the University Health Network, we still refer to Princess Margaret Hospital as being the cancer program, the combined cancer program and the research program of all of the institutions that have come together for University Health Network.



This board of directors, or mini-board of directors, really directs the operations both of the research side of Princess Margaret and also the cancer care side of it and advises the board of University Health Network on budget items and other items critical to the whole cancer care program. I was asked to be chair of this standing committee of oncology, as it's been called since its inception, and it's been up and running for almost two years now. The standing committee is comprised of people who have a deep commitment to cancer treatment and research, and it includes volunteers as well as cancer professionals and academics from the University of Toronto.

In our view, Princess Margaret Hospital, the entire cancer program at the University Health Network, is a very important and essential component of the entire cancer treatment network for the province of Ontario. One of our principal tasks is to coordinate the delivery of the cancer care services and the research that's done at Princess Margaret with what's happening around Ontario under the direction of Cancer Care Ontario. It's especially important for us to coordinate the delivery of these services in the central-east region which comprises Metropolitan Toronto and some of the surrounding areas because both Princess Margaret and the Sunnybrook Health Sciences Centre, the cancer centre there, are combining to provide services to that same treatment area. And so it's very important for us to coordinate our activities and ensure that we're getting the most effective use of the combined resources that are available to the two institutions.

With that in mind, when we formed the standing committee on oncology at Princess Margaret, I invited four representatives of Cancer Care Ontario to sit on that committee, and that includes Dr Ken Shumak, who's the CEO of Cancer Care Ontario. Just recently, Cancer Care Ontario asked me to join their board. There are already I think one or two representatives of the University Health Network on that board, but I've been asked to join it as well, again to help provide the continuity and coordination of the delivery of care between Princess Margaret and Cancer Care Ontario.

1010

As the committee knows, this is a critical time for all health care professionals, particularly those who have devoted their careers to cancer. They're involved in a race against the clock, as we all know, a race to try to identify better means of prevention of cancer, to develop better means for the early detection of cancers, finding new cures for the treatment of cancers and, ultimately, when all else fails, controlling the pain and suffering.

For those of us who are only volunteers in this process, our mission is to help create the best environment so these professionals can do their job. Part of that means applying modern business techniques to the research and delivery of cancer care services but, most importantly, to really make the most effective use of available resources.

I think it's hoped by Cancer Care Ontario that by inviting me on to the board and with the representatives of Cancer Care Ontario on our board, by coordinating the efforts between the two organizations, achievement of these goals of prevention, detection and cure of cancer will be moved much closer to the present. That's a brief explanation as to why I'm here.

**The Chair:** Thank you very much, Mr Brown. We begin our questioning with the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Certainly I'm very impressed with the background you bring to the role that you would have with Cancer Care Ontario.

I'm sure you are aware that the committee on standards of the Canadian Association of Radiation Oncologists recommends that the time between patient referral and the initiation of radiation treatment not exceed four weeks. From your experience with the University Health Network, are you aware if the network facilities with which you have been associated were meeting that?

**Mr Brown:** I'm very aware of the standards to which you refer. In fact, that probably occupies the largest part of our activities, both on the standing committee of oncology and on the University Health Network board. On an average basis we're not meeting those deadlines, but it's a little more complicated than that.

We have 16 radiation machines at Princess Margaret Hospital. Because the set-up of those machines is quite complex and time-consuming, various machines are configured to deliver various types of radiation treatment. For some types of treatment, particularly those where medical science knows it's imperative to treat quickly, some machines are set up to treat cancers and to do it quickly, and the turnaround time is a matter of hours or a matter of days. Other types of machines are set up for different types of cancers. For some of them, particularly breast and prostate cancer, the waiting times are much longer. If you average out the waiting times across all of the types of cancers and all 16 machines, we do not meet an acceptable standard. I would say that at Princess Margaret Hospital we're probably only treating about 50% of the patients within the four-week period you refer to.

**Mrs Dombrowsky:** I find it interesting that in your explanation you would make reference to the machinery and the process when in fact it has been presented, I believe by the auditor, that much of the problem might be more accurately related to the lack of qualified radiation technologists in the province and also the lack of qualified medical oncologists to deal with this. I was wondering, what role do you think Cancer Care Ontario has to improve this situation? As you would know, this is a very pressing situation across Ontario and certainly in the part of Ontario that I represent. These sorts of waits are absolutely unacceptable. When families experience the trauma of cancer, it's just not good enough to say, "Well, we don't have the people in place to provide this treatment." So I would like to know, in your role as a



member of Cancer Care Ontario, the kinds of recommendations you will bring to this government to alleviate this problem.

**Mr Brown:** You're quite right: the machinery is not the limiting factor. I have to talk in terms of averages because some people indeed are being treated within hours rather than within the four weeks. The limiting factor is clearly the personnel to run the machines. We have, both at Princess Margaret and at Cancer Care Ontario, a worldwide search on to find qualified technicians to run the machines. As you may know, the training facility was closed for a period of time. We are not expecting new graduates from that facility until next year. So for us to meet this demand, we need to first of all make sure we retain those qualified radiation therapists we have and, second, to try to recruit elsewhere in the country, and indeed around the world, to fill that void.

We at Princess Margaret have increased salaries for these people, both as a retention strategy and as a strategy to recruit them around the world. We're finding that this is not a problem unique to Ontario or Canada; it's a problem that other countries are having, and they are working just as diligently to jealously keep their radiation therapists at home as we are to try to attract them to Canada. So it's a problem that is being faced around the world. The only really permanent fix for us here is to have the training facility up and running and graduating good, quality graduates, which will not start until 2001.

**Mrs Dombrowsky:** With regard to the controversy on re-referral, I have a couple of colleagues who refer to this as health care apartheid, in that residents in northern Ontario with health problems related to cancer do not receive the same type of compensation because of the wording of policies. Whether you're a referral or a re-referral makes all the difference. I would like to hear your comment on that and what you think should be done and when you think it should be done, because again people are in very traumatic situations where they are out of pocket significant dollars. We understand that the ministry is looking at this, but that doesn't do anything for the people who continue to experience what I too believe is discrimination in Ontario. I'd like to hear your comments on that, please.

**Mr Brown:** You're referring to a very difficult public policy issue, and I quite agree. I've actually taken the time to read the Hansard reports of this committee's deliberations on the last three or four recommended appointees to Cancer Care Ontario, so I understand the debate that has been going on. I also spoke to Dr Ken Shumak, who's the CEO of Cancer Care Ontario, to see what measures Cancer Care Ontario has taken. He advised me that they did indeed alert the government to this problem some time ago and that the government has appointed a professor at Laurentian University, who I think is about ready to deliver a report on his recommendations as to how the problem might be solved.

I should say, though, that I believe it is a public policy issue. I think to try to impose on the cancer care

professionals or even on the volunteers who are assisting those professionals the job of finding a solution to this problem runs the risk of diverting their attention away from their primary goals of finding cures for cancer. I think that it's an issue that has to be solved by the elected representatives and I don't envy them the job. It's a tough issue.

**Mrs Dombrowsky:** Do I still have some time?

**The Chair:** You have till 10:21.

**Mrs Dombrowsky:** I guess the only comment I would have on that is, you know of course that the former chair of Cancer Care Ontario did dare to venture into that policy forum and very clearly, on behalf of the people of Ontario, make some statements that I believe he thought were in their better interests. So I think it's important, the role you have actually delivering the service—certainly as policy-makers it's important that we understand what the challenges are and where things are not equitable. So I suggest to you that there is a responsibility for people at Cancer Care Ontario to bring forward when policy is not meeting the needs of the people. Otherwise, as policy-makers how would we know if the policies were working well or not?

1020

**Mr Brown:** I understand your need to inform yourself and be informed, and the professionals at Cancer Care Ontario should be a very important source of information there. I agree with that.

As far as attempting to find a solution to the public policy issue, I'm not at this point able to be of much assistance to you.

**Mrs Dombrowsky:** Thank you very much. I appreciate that.

**The Chair:** Thank you, and it will be Mr Marchese for the third party. We're beginning at 10:20.

**Mr Rosario Marchese (Trinity-Spadina):** We don't have to look at the clock, really.

Welcome, Mr Brown. You're doing a lot of volunteer activity with many organizations.

**Mr Brown:** Actually, no. As you may know, I am now the chair of the Ontario Securities Commission. When I took this job, I really had to get rid of virtually all my other commitments, mainly because of the time commitment. So my only volunteer activity right now is the University Health Network at Princess Margaret.

**Mr Marchese:** So you were a governor of the Canadian Comprehensive Auditing Foundation, but no longer.

**Mr Brown:** It's really part of my job. I'm there because I'm the chair of the securities commission.

**Mr Marchese:** And member of the Circle of Chairs of the Society of Ontario Adjudicators and Regulators.

**Mr Brown:** It's the same.

**Mr Marchese:** I just wondered how you juggle all those things, but obviously you've cut down on the number of those.

**Mr Brown:** Yes.

**Mr Marchese:** Your experience as the chair of the Ontario Securities Commission—is there one important



lesson you learned in that experience that you want to share with us very briefly, of course, because I know it's a big job?

**Mr Brown:** One lesson is that it's energizing to switch careers late in life, and I'm not sorry that I did it at all. The lesson I've learned is that people who are involved in the policy-setting of the government service are a unique breed of people who are dedicated and, I think, are doing an absolutely wonderful job. I must say, as a practitioner sitting on the outside, that I wasn't aware of the enormity of the job being done inside. So it was a very good revelation for me.

**Mr Marchese:** I'm sure it was. I wish we had time to talk about white-collar crime, because it's an issue that I want to bring up in the Legislature. But we don't have time now, you see.

**Mr Brown:** At some other time I'd be pleased.

**Mr Marchese:** Time is always a problem.

I'm assuming you're either a Conservative Party member, supporter or contributor.

**Mr Brown:** I don't think I've ever had any affiliation with any party, not that I can recall.

**Mr Marchese:** That's good to know. It's one of the few questions that Tories and Liberals used to ask all the time when we were in government. They used to weed out the New Democrats. But at that time there used to be media here. Now nobody comes any more; it's just us and a few staff people. It's really quite—it's lonely.

**The Chair:** I should correct you, Mr Marchese, if I may take a moment of your time. There is a columnist who appears from time to time, who sits on this committee. So there is a media person here.

**Mr Marchese:** That's good. That's a big help.

You were talking about northern travel. That's a big concern of ours. Shelley Martel has been raising this for quite some time for our caucus.

I agree with your point about the fact that members of Cancer Care should not be the ones finding solutions. But do you agree with me that they should be the ones to obviously speak about the problem? Whether government solves it or how it solves it may not be your responsibility, but it would be your responsibility to say, "There's a problem here." Would you not agree with that?

**Mr Brown:** I think their primary focus, as Ms Dombrowsky has alluded to, is to get the waiting times for the available cancer resources down to within acceptable levels. I know there's a huge effort going on in both Cancer Care Ontario and Princess Margaret Hospital to try to do that.

To my knowledge, there is no definition of the service areas or the catchment areas in Cancer Care Ontario, and whether that's right or wrong I can't comment. But I know that at Princess Margaret Hospital we accept referrals from anywhere. There's nothing to prevent somebody from Thunder Bay or Hamilton or Ottawa or wherever referring a patient to Princess Margaret Hospital.

**Mr Marchese:** I understand.

**Mr Brown:** So we don't even have statistics as to where people come from. I assume that a large percentage come from downtown Toronto because we're located in downtown Toronto. So we don't get into that part of the travel—

**Mr Marchese:** Mr Brown, Gerry Lougheed was the previous chair.

**Mr Brown:** I don't know Mr Lougheed.

**Mr Marchese:** He was the person who actually used the term "health care apartheid," and for that we believe he got punished; that's why he got kicked out. He spoke out against the fact that there are two policies in place, one for southerners and one for northerners. Southerners can go to the US and get all their costs covered, and northerners can't. It seems to me very obvious and clear that there's a discriminatory policy. The solution seems to be very clear too: just fund it equally. That's what I would say if I were a member, or I might recommend to the government that that's what I think the solution might be, and if you don't want to offer that as a solution you might say it's at least discriminatory, which Mr Lougheed did. For that he got punished. I think it's wrong for the government to have done that.

That's why we have difficulty in terms of other appointments now, because of what happened to Mr Lougheed. Because of this political interference in this area, I have a problem, Shelley Martel has a problem and many northerners have a problem. I think there is a clear case here. Do you think that northerners should have all their expenses covered, if they have to go south or into the US, as southerners do when they go to the US for treatment of cancer?

**Mr Brown:** The reason I say it's such a difficult issue is that the waiting times in northern Ontario aren't as long as they are in southern Ontario. Indeed, we at Princess Margaret send patients up to northern Ontario because the waiting lists are quite a bit shorter. I just don't know how you balance these seemingly unrelated issues to try to determine what's fair.

**Mr Marchese:** Except, Mr Brown—I'm sorry to interrupt—what has waiting time to do with the fact that the costs are different, in terms of a northerner having to assume greater costs? The waiting times might be different, but to me it's irrelevant if I have to pay more than somebody else. What has waiting time to do with the fact of a cost differential?

**Mr Brown:** All I am saying is that I think there's an attempt here to find a fairness balance.

**Mr Marchese:** Attempt by whom?

**Mr Brown:** I assume by you as the policy-makers to find a balance, and I think there are positives and negatives on both sides. As I say, people in northern Ontario have a greater access to the resources and they don't have as long waiting times. There are trade-offs, and I don't know which is more appropriate.

**Mr Marchese:** So once you're there and you find, like Mr Lougheed, that there is health care apartheid, because you might—



**Mr Brown:** I'm sorry, I really have difficulty with the "health care apartheid." I understand some of the horrors of apartheid in South Africa, and I have a little difficulty applying that to this situation.

**Mr Marchese:** I understand. People often use such terminology as a way of showing how serious the problem is. We might disagree, in the same way that we might refer to some politicians as fascists. You're quite right. I think the terminology at times is inappropriate, but the point they're making is that this is serious. It's a serious problem for northerners. I understand that we shouldn't detract ourselves away from the word. But if we believe the problem is serious enough, we've got to find a way to deal with it. So my question to you is: how do you situate yourself in that regard, in terms of an attempt to convince governments, as the policy-makers, that perhaps they should deal with this issue of discriminatory policies?

1030

**Mr Brown:** As I said earlier, I don't have a position on this issue at this point.

**Mr Marchese:** I was afraid of that. With respect to the shortage of radiation therapists, this government in 1995 cancelled the training program for radiation therapists in Ontario. Would you agree with me that was short-sighted?

**Mr Brown:** With the benefit of 20-20 hindsight, it was a mistake. I must say, though, that I think all of us in the cancer care area have to share some of the blame. I don't think the health care professionals in the cancer area understood the severity of that. I'm not sure they spoke out, and I think they may even have tacitly agreed with the solution.

I agree it was a big mistake, in retrospect. We're paying for it now. It's a very tough decision, after the fact, to rectify and rectify satisfactorily. You're absolutely right.

**Mr Marchese:** Thank you, Mr Brown.

**The Chair:** The government caucus?

**Mr Wood:** We'll waive our time.

**The Chair:** The government caucus has waived its time. We thank you very much, Mr Brown, for appearing before the committee.

#### DAVID BRALEY

Review of intended appointment, selected by the third party: David Braley, intended appointee as member and chair, the McMichael Canadian Art Collection Board of Trustees.

**The Chair:** I will ask Mr David Braley to come forward please.

As you have probably observed, you are certainly welcome to make an initial statement, Mr Braley, and take any portion of time you require to do so.

**Mr David Braley:** I don't really think that anyone here knows me, so I might as well discuss my background a little bit. I was born in Montreal and we moved to Hamilton when I was three years of age. I was

educated in Hamilton and went into business for myself when I was 27. I started with seven people and through the growth of the company we are about 800 in Hamilton and 1,600 in total.

I am very involved in the community, whether it be training of skilled trades or whether it has to do with the convention centre or the theatre, the art gallery, the CAD/CAM centre and the robotic centre in Ontario 15 years ago.

It's always very difficult to speak about oneself because I've never had to do it before. Is there anything in particular that you'd like to know about me? Just ask me the questions and I'll answer, but I'm not used to—I had to prepare a resumé for this particular appointment. I assume you all have that in front of you.

I guess the greatest honours are being recognized by my city, being entered in the Gallery of Distinction—that's making a commitment to the building of Hamilton—and then my university giving me an honorary doctorate this past year for the work I've done in the community and at the university.

If you have any questions about my background I am prepared to answer them, but I don't think you really need know to know that. It's on the resumé sheet.

**The Chair:** Thank you very much, sir. I will commence our questioning with the third party. Mr Marchese.

**Mr Marchese:** Welcome, Mr Braley.

**Mr Braley:** Thank you.

**Mr Marchese:** First of all, just to tell you, David Christopherson speaks very well of you.

**Mr Braley:** He's a nice man, and we've worked together on many things.

**Mr Marchese:** He did say that. Mr Braley, you obviously are aware of the history of problems between the McMichael gallery trustees and Mr McMichael and spouse. It's a long historical problem. Do you have any comments on that?

**Mr Braley:** I was not aware of them at the time that I was asked to serve. I have since taken the opportunity to read some of the information. I've taken the opportunity to meet the staff at the McMichael and I've taken the opportunity to sit down with Bob and Signe McMichael for a two- or three-hour period. I have also tried to meet directors one by one, so I could get a feel of what that particular problem was. I'm starting to, but I wouldn't say that I have it in total yet.

**Mr Marchese:** That's good that you're doing that, because it's one of the few ways of surviving some of these problems that I think you're likely to continue to face once you're there. But it's good that you've done that. It's a way to survive, I think.

**Mr Braley:** Most people I've talked to really want the gallery to succeed and they all have a common purpose in mind. Sometimes egos get in the way a little bit or a little bit of power or some of the background as to certain things that happened in the past and they have what we call in football a nick. They're injured a little bit, so be



sensitive to the various things and try to find a compromise that satisfies the majority.

**Mr Marchese:** Of course. That's what we all try to do in every job that we have.

**Mr Braley,** a question: Are you familiar with the legislation that was just passed in June by this government re the McMichael?

**Mr Braley:** I have skimmed it as of last Saturday. I haven't read all parts in conjunction with the legislation that has been passed previously and the current, but I've just skimmed the legislation.

**Mr Marchese:** I think that too is important to understand, because in terms of its long history, you've had McMichael complaining almost from the very beginning that the board obviously wasn't respecting its original mandate. It went to court because they were unhappy with the direction in which McMichael was going. The lower court ruled in his favour and then the Minister of Culture took it to the Supreme Court and the Supreme Court ruled against McMichael, because that was the right thing to do, I thought personally. Then Monsieur Harris decided, in his finer wisdom, that he was going to change the law once again anyway, and so we now have the legislation of June that you were perusing.

What is your sense of what politicians should do around these issues? To be personal, I don't think politicians should interfere very much with the curators of a board. That's always very divisive and there's a lot of conflict in this regard. My sense is that the legislation of June was a bit of an interference. That's my opinion. Do you have an opinion in that regard?

**Mr Braley:** I haven't formulated a final opinion. There are some minor changes that have occurred, but from my skimming of it, the legislation is not a great deal different, quite frankly, than the previous three legislations. I've gone as far as laying it out in the computer and putting them side by side and dealing with the various words that are different, but I haven't come to any conclusions as to how the emphasis makes a significant change. I don't think I'm in a position to do that yet.

A person who is put in the chair of a public facility turns to the legislation that he or she is given and enforces and carries out the mandate that one is asked to do; one doesn't formulate the legislation.

**Mr Marchese:** I understand that.

**Mr Braley:** He who has the gold, so to speak, tells you what they want done and then you go from there.

**Mr Marchese:** I appreciate that. We're going to have an opportunity to debate this bill, obviously, because it hasn't been passed.

**Mr Braley:** That's not in my hands.

**Mr Marchese:** No, you're absolutely right. It's in their hands, and I'm sure they'll support the bill. We'll just have an opportunity to raise it.

But we are concerned about one of the measures contained in the bill which says, "The Board shall ensure that the collection reflects the cultural heritage of Canada

and is comprised of art works and objects and related documentary material created by or about...."

This language suggests, of course, that the original works are fine. Inuit work is part of it because it was part of McMichael's efforts to include. But much of the contemporary art, or all of it, I suspect, is excluded by this language, so we are concerned that there might be a sell-off of these works. If that is so, it creates in my mind some problems, and I wanted to ask your opinion about that.

**Mr Braley:** Which paragraph did you read the portion of?

**Mr Marchese:** It's section 8: "The Board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of...." So the word "comprised" clearly says, "This is what it includes," and obviously some stuff is going to be excluded.

**Mr Braley:** Yes, but if you read the rest of the paragraph it refers to "and related documentary material created by or about" and then "(a) Tom Thomson ... (b) other artists who have been designated," etc.

**Mr Marchese:** I understand that, which clearly reflects the original works of the 10 or 12 members there might be, including McMichael's interest in Inuit art, but obviously contemporary art is not part of it.

1040

**Mr Braley:** I couldn't make that observation or comment—

**Mr Marchese:** I appreciate it, but if you could just—

**Mr Braley:** —at this point, but I don't think it really says that because it refers to "contemporary" and it refers to Canadian art.

**Mr Marchese:** No, sorry, it doesn't refer to "contemporary." It says "is comprised of." Mr McMichael's fight over the years obviously has been in terms of the additional contemporary art that's been acquired. That's obviously in part why he's taken the issue to court. So my point to you is: if it is true that it excludes some contemporary art and it might therefore have to be dealt with, either sent to the Ontario Heritage Foundation or sold, if it were to be sold, is that a concern for you in terms of what might happen?

**Mr Braley:** I guess it depends. I can't make a comment at this point because I haven't addressed the problem. I guess things are bought and sold all the time.

**Mr Marchese:** That is true too, except that there has been another experience at the national level where, if you throw a lot of art into the market all at once, it creates a glut in the market where prices of whatever is being sold at the time might depreciate as a result. That's one concern. The other concern is that if a work of art has not been held by a gallery for 10 years, then the original tax receipt you got might be rescinded or might not apply any more, which might present some problems, obviously, in that regard.

**Mr Braley:** To answer the first part of the question, one would be foolish to sell off a lot of art at one time in the marketplace and devalue it. The second part of the question—I'm sorry, it's escaped me for a second.



**Mr Marchese:** The second part is that when you make a donation—

**Mr Braley:** Right. You'd certainly have to abide by all tax receipts and government regulations and income tax laws and what have you. Normally, when a person donates something, they get a tax receipt. The tax receipt is a final piece of paper indicating that the piece is passed. If there is a condition attached to a particular piece of art, for example a contract on the donation, that the donation is only to be used for a certain purpose, that's a contractual arrangement which is separate, again, from income tax receipts and things of that nature. I've heard that argument in the past—

**Mr Marchese:** And you would respect that, obviously.

**Mr Braley:** —and I respect that. But the tax receipt is a thing that is entirely separate from contractual arrangement for each piece.

**Mr Marchese:** So the gallery would have to hold them for 10 years in order for that tax receipt to apply, otherwise it's rescinded.

**Mr Braley:** I didn't say that, because at one point—

**Mr Marchese:** No, I said that. I'm saying that. That's what we understand.

**Mr Braley:** I don't know if that's even true. If somebody donates something, let's say I gave that donation to somebody for a tax receipt of 50 cents, that may not have a contractual arrangement around it but an income tax receipt.

**Mr Marchese:** I think one of the conditions is that, by the way.

**Mr Braley:** But if you have a separate contractual arrangement around something, then that has to be dealt with much differently. They are two different functions.

**Mr Marchese:** Yes. But if I'm right, Mr Braley, and I suspect I am, the organization has to hold that piece of work for 10 years, and you would honour that, obviously, in your opinion. After the 10 years, if it's got to be sold, then it's got to be sold, and you would deal with that. Is that what you might say?

**Mr Braley:** That might happen; it might get loaned someplace else. I can't make those judgments in advance of actually dealing with a particular piece of art or what have you. I don't think I'm personally qualified to make those decisions. I can guide it from an administrative point of view, I can guide from a business point of view, I can make sure that everything is dealt with fairly in line with whatever legislation I'm given, but I don't think I can make a qualified judgment that this piece of art is better than that piece of art. I'm not an expert. I have a huge personal art collection. I started when I couldn't afford much by buying Herman Pils and Eleanor Johnson. I elevated myself as I made more money to people like Chris Bacon and I've since elevated myself again. If I gave that collection someplace, that's what I like and what I buy. If somebody else likes what somebody else buys, I can't make those judgment calls. I can tell you whether there's detail in the art or I can tell you whether

it's an Impressionist or a different type of work, but I'm not an expert on art; I'm only an expert on what I like.

**Mr Marchese:** Mr Braley, I appreciate it. It's not a matter of judgment in terms of which—

**Mr Braley:** I would follow whatever contractual arrangements are made because that has to be done, then deal with it and the various things appropriately as per the board's wishes and as per the art advisory committee's wishes. It has to be done in that kind of a—

**Mr Marchese:** I appreciate it. Thank you.

**The Chair:** Just when things are getting interesting I have to cut you off because your time has expired. I go to the government caucus.

**Mr Wood:** We will waive our time.

**The Chair:** The government has waived its time. On behalf of the official opposition, Ms Dombrowsky.

**Mrs Dombrowsky:** Good morning, Mr Braley. It's very nice to see you here today. I have to say that I was most impressed with your resumé. Also, I was impressed this morning when you shared with us the kind of background digging you're doing in terms of preparing for your possible role on the board of trustees at the McMichael Canadian Art Collection.

I believe we are very blessed to have this type of collection in Ontario, so when I was reading the background material, I was very sad to understand of the problems around the management of the collection. I'd like to understand from you this morning your sense of the problems with the board of trustees and the McMichael family. Do you think they are insurmountable? Do you think there is some hope that the future of this board could move ahead positively?

**Mr Braley:** I think so. Everybody has the best interests of the gallery at heart and, when that occurs, there are usually compromises reached. There are all kinds of rumours that so-and-so, Bob McMichael, wants to run the gallery. When I actually asked him—he's 78 years of age and his wife is going to have major surgery for a hip replacement in the next month; there's no way—he said, "There's nothing I can do, but I'd like them to listen to me." That's the type of encouragement I'm getting at the present time by talking to the various directors, the McMichaels themselves and the staff.

**Mrs Dombrowsky:** Would you not say that's a reasonable expectation in that Mr McMichael established this gallery with a very clear purpose in mind? If, over time, he would see that perhaps it's not unfolding as he had initially thought it might, should or could, would you not see that his role or his opinion would be a most valuable one and certainly one that perhaps the board of trustees might do all they can to try and address and accommodate?

**Mr Braley:** On the big picture the answer is yes, but sometimes people have nitpicking little things which can cause itches or aches or nicks, and in those cases you can't follow what they want to do exactly.

I can only relate to the personal side of owning a collection myself and how sensitive I would be to how it was handled at least as long as I was alive. He expanded



the mandate substantially by adding many painters and many works of art way beyond the original Group of Seven and the other painters who were initially in the collection that went there. He had a vision himself, and I think his concern is about works of art which in his mind don't measure up at the same standard or the same level. That's something that has to be debated and argued, because this person's opinion is different than this person's opinion on what a great work of art is.

**Mrs Dombrowsky:** I think that's a very good perspective to have.

**Mr Braley:** I'm trying hard, but it's not always going to be easy.

**Mrs Dombrowsky:** We have your resumé here before us, but would you have had any other experiences where you would have had a role as a mediator or where there would have been controversial situations you've participated in and achieved a successful resolution?

**Mr Braley:** Yes. I was convention centre chairman in Hamilton for I think 12 to 14 years. We're one of the few convention centres that has always made money. We built Cops Coliseum and I was chairman of building the coliseum in the community. They wanted to put Hamilton Place, the convention centre and the arena together. The arts community was very upset about that being under the same board of management or the same governance. The issues were dealt with loudly and clearly in the newspapers and otherwise. I think we reached a nice compromise and we had all three facilities operating together. We had a \$2.4-million budget to start with. It was a \$14-million operation and it gave the city back a profit of \$2.5 million. It's never been done since I left as chairman. It costs them \$2.8 million today to run those three facilities, and they all compromised to get what had to be done.

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The biggest argument was that the cultural facilities wanted to run their events on the weekends and not pay any rent, where the paying customer, whether it be an entertainer or what have you, would then be stuck with Tuesday, Wednesday and Thursday. I had to move them to the middle of the week, when it wasn't as critical for the dollar revenue generation, and put the paying customers and the artists who came to visit our theatre on the weekend. Everybody was bruised for a little while, but in the final analysis they looked back and said it was the right to think to do.

**Mrs Dombrowsky:** Congratulations.

**Mr Braley:** It's not easy.

**Mrs Dombrowsky:** It obviously demonstrates foresight too. I thank you very much, Mr Braley, for answering my questions.

**Mr Braley:** It's an embarrassing thing because I've never been in front of a committee before, or applied for a job or anything, in my entire life.

**Mr Marchese:** It was a good experience.

**Mr Braley:** Yes, sure. I'm more used to running my company than anything else.

**The Chair:** Thank you very much, Mr Braley, for being with us this morning. You are excused now.

#### GARY LEADSTON

Review of intended appointment, selected by third party: Gary Leadston, intended appointee as member, Board of Parole.

**The Chair:** We'll call upon our next individual, even though it's not 11 am. I see that he's here to appear.

The committee, just for the interest of those who are under consideration, has its motions of concurrence scheduled for 12 noon or before, so you'll know whether you've been accepted.

Welcome, Mr Leadston. Gary Leadston, of course, members of the Legislature who were here in the last Parliament would recognize as a former member of Parliament for Kitchener-Wilmot, if my memory is correct.

**Mr Gary Leadston:** That's correct.

**The Chair:** Mr Leadston is an intended appointee as a member of the Board of Parole. I'll officially welcome you, Gary, to the committee this morning. If you wish to make an opening statement, you're welcome to do so.

**Mr Leadston:** Thank you very much, Mr Chairman, and former colleagues. Mrs Dombrowsky, welcome. We haven't had the pleasure of meeting, but I know the other honourable members here and served with them I believe with distinction, as they did.

I appreciate the opportunity to appear before the committee. I'm not sure if you had a copy of my resumé, but for the benefit of Hansard I'd like to just highlight a few features of my background that I believe lend to the appointment as a member of the parole board.

For those of you who are not familiar, I was a former police officer with the Kitchener city police department. From there I went into education, into counselling. During that period of time I became involved in municipal politics and served with the city of Kitchener, the municipality, for 16 years, and then was elected also to the regional council of Waterloo and served on regional council for 14 years. During that tenure in municipal politics I sat either as chair, vice-chair or member of countless boards and commissions. The one on which I was somewhat proud to have served both as chair and vice-chair was the Waterloo Regional Police Services Board. It was rather unusual at the time for a former police officer to have been elected as a commissioner and then eventually become chairman of the board. I guess if there was a highlight in my life, that was one of the pleasures and one of the enjoyments in public service. And, as you know, I served as a member of provincial Parliament, representing Kitchener-Wilmot from 1995 to 1999.

I believe my background is quite varied and quite broad, which would lend to my appointment to the parole board. I'd be more than pleased to respond to any questions that the committee may direct my way.



**The Chair:** Thank you very much. We'll start with the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** Mr Wood has indicated the government caucus will waive its time so we go next in rotation to the official opposition, which is Mrs Dombrowsky.

**Mrs Dombrowsky:** It's indeed a pleasure to meet you this morning, Mr Leadston. I certainly read with great interest the resumé that you provided with many impressive qualifications.

I'm sure you are aware that in the province of Ontario in recent months there have been a number of very disturbing incidences where individuals, usually women, sometimes children, have been murdered—they've lost their lives—at the hands of violent family members. In some cases these are people who have been, or were at the time of the crime, on parole. I guess I'd like to have you share with this committee your reaction to that.

I don't know that it would be the role of someone on the Board of Parole to assess any blame, but what do we need to do, and in your role as a member of the Board of Parole what would you do, to ensure that that kind of occurrence does not repeat itself in the province of Ontario?

**Mr Leadston:** I think that's perhaps a very difficult question for anyone to respond to. Bear in mind that you mentioned the offence of murder, which is a criminal offence, and if one is convicted of that offence they're incarcerated in a federal institution and not a provincial institution. Having said that, having been part of investigating teams in such scenarios, there's a personal feeling about that and then there's a public feeling. Obviously there's a tremendous hue and cry in the public about the incidents of spousal abuse, elder abuse and abuse that culminates in the death of an individual. As a society that does not condone such action, obviously the offenders and the victims need treatment and need counselling, and that has to occur at the grassroots in the community. I'm sure you have programs like victim-offender programs and the John Howard Society that work with inmates within the institution and upon their release.

I think we, as a community, and perhaps you as a government member, can do more in the community in terms of education within our school system about these types of offences, and why they occur and how they occur. Perhaps premarital counselling should be a prerequisite before one receives a marriage licence. There are all types of initiatives that are currently underway which are very effective, but there are many cases, as you and I are well aware, that fall between the cracks and it's most, most unfortunate. But I think the prerogative of the Ontario parole board is not within the realm of an inmate who's committed such an offence.

**Mrs Dombrowsky:** Yes, I agree that murder is a federal crime. Are you aware if spousal abuse is a federal or provincial matter?

**Mr Leadston:** If spousal abuse is a common assault or an assault with intent, then they may or may not be incarcerated in a provincial facility.

**Mrs Dombrowsky:** I guess the point that I'm trying to make and have you understand is that these are individuals who've come from the provincial system, who would have possibly appeared before the Board of Parole and obviously had a history of this kind of abuse, who have been placed on parole only to go out in the community and create this heinous crime. There appears to be a pattern in society that this definitely can happen. We also hear in the media reports that in some cases there were a number of cries for help, pleas for help, that were not heeded. I guess what I would hope to hear from you is your understanding of how vigilant you would need to be as a member of the parole board to those specific sorts of issues.

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**Mr Leadston:** I think we have an obligation to ourselves personally, to the parole board and to society to protect society. Obviously if an inmate is at risk of being released, I, in good conscience, could not support the release of such an individual if there's a history of spousal abuse, whether it's male or female, because it occurs equally—not necessarily statistically equally—from both parties. But I'd have great difficulty putting someone who has historically committed those types of offences perhaps since they were a youth back into society without some type of prearranged program and support systems for that individual upon their release to deal with their aggression. There are programs within the facilities, within the institutions, within the community that deal with that. But I would have great difficulty, as I said earlier, supporting someone's release unless all those safeguards were in place.

**Mrs Dombrowsky:** Do you think it's the responsibility of members of the Board of Parole to know what services are available within the community to which an individual is being released?

**Mr Leadston:** I think it's very important for the board member to be aware of what facilities, what programs and what support services are available within the community and within the province of Ontario, and to perhaps have a general knowledge across Canada. An inmate may have served whatever period of a sentence and is being released, and I think it's important to be aware in order to advise the inmate that there's such a program in his or her community, and working with the authorities within the institution and the authorities external to the institution relative to programs that will support them and enhance what has occurred for them within the institution, and support groups for their families to deal with whatever deviant behaviour they've committed that brought them into that situation.

**Mrs Dombrowsky:** As a former MPP—you indicated earlier the need for treatment and counselling in communities and you mentioned some agencies within your community—you would be aware that they are not consistent across the province of Ontario and in fact that there are individuals who enter communities where those sorts of services are not available.



**Mr Leadston:** Quite correctly. Yes, I'm fully aware, and not within the realm of the criminal justice system, but in the realm of many of the social services that are delivered by both government and community. There has to be a closer network between the various bodies in health care and criminal justice—in all disciplines—in terms of sharing of information and avoiding duplication, and becoming more efficient and more cost-effective. That involves networking, instead of having two or three agencies that are essentially dealing with the same problem. It's like turf wars. I've worked in the field. I'm quite familiar with your question and really the basis behind the question. I understand that completely. It's a very complex system.

**Mrs Dombrowsky:** My constituency office is in a community where there is a provincial detention centre, and I have to tell you that we have not experienced anything like a turf war. In fact, the problem that we hear in our office so very regularly is the total lack of any kind of service for individuals upon their release. When we talk about cost-efficiency, I don't know how you can be any more cost-efficient than not providing programs at all.

From my perspective, there certainly needs to be more resources invested in that particular area. Obviously, you can sense from my line of questioning and the tenor of my voice that it's an issue that's very important to me. I think that there needs to be particular attention paid to individuals who have a violent past before they are released into communities, and that individuals such as yourself would see some role in advocating for better community programs.

**Mr Leadston:** I would suggest, as I did in the community of Waterloo region—we created a justice committee and I and my staff served on that committee. The representation was very broad, including the chief of police, Larry Gravill, and representatives from family and children's services, because they deal with families in a very broad range. I'm sure you have family and children's services within your riding. You have a health unit. All these groups, although they're not specifically dealing with an offender, whether it's a young offender or an adult, are involved in some minute way with the family or the children or with a spouse or a relative. Formulating a committee is an initiative that, as a member, would lend a lot of strength by setting up a forum and bringing all the groups in within your community to address that specific problem and how they currently are dealing with it in some fashion. It worked, and it's continuing to work, quite effectively in our community, in the region of Waterloo. I'm sure I can provide you with the contact name of the executive director or the chief of police.

**The Acting Chair (Mr Morley Kells):** You might do that after.

**Mr Leadston:** Certainly.

**The Acting Chair:** The honourable member's time is up; it's a little over. The third party's time, please.

**Mr Marchese:** Gary, it's good to see you.

**Mr Leadston:** My pleasure, Rosario. It's good to see you.

**Mr Marchese:** Gary, one of the things that I've observed is—and some of us, at least, have known this for some time—if you look at the statistics on parole applications granted and denied, you can draw the conclusion the board is getting tougher and granting fewer paroles.

In 1992-93, 47% of applications were denied, and by 1999-2000, 72% of applications were denied. That's pretty tough. Do you get the impression a whole lot of people out there are saying, "We're not being tough enough. We've got to get tougher"? Do you get the sense that people are saying we're not tough enough?

**Mr Leadston:** In response to your question, the honourable member Mrs Dombrowsky just alluded to that fact, representing a community which is gravely concerned about the types of offences. That can be re-directed into, "We're concerned about inmates being released."

**Mr Marchese:** Oh, yes. I am too.

**Mr Leadston:** And we all are.

**Mr Marchese:** I didn't ask that.

**Mr Leadston:** I'm not sure what document you are referring to in terms of statistics, but I'm not denying that fact. I think society as a whole is concerned about inmates being released prematurely—

**Mr Marchese:** So am I. I'm not disagreeing with that.

**Mr Leadston:**—without the necessary supports in the community to deal with them when they are released.

**Mr Marchese:** Right, that's another question I want to ask in a second. The point I'm making is that in terms of parole applications granted or denied, more and more are being denied. That's not necessarily a bad thing. In most cases it's a good thing. I'm agreeing with that; I'm not questioning that. I'm saying there are a whole lot of politicians out there across the land saying, "We're just not tough enough. We've got to be tougher." My point is, based on the statistical information, we are denying a lot of applications so we are being tough. Are some politicians exploiting this perhaps? Given the statistical information that a lot of applications are denied, are some politicians using this for their own ends, do you think?

**Mr Leadston:** Most of the situations I'm familiar with and read about through the media or hear and see on television deal with the severity of the offence, as you alluded to, Mrs Dombrowsky, regarding capital offences, murder. Any crime is important and obviously the loss of life. Most of the situations I believe you are referring to occur at the federal level, when you refer to politicians, and not necessarily at the provincial level. But whether a politician is using his or her statements to advance their political aspirations, that's beyond my realm of ability.

**Mr Marchese:** Of comprehension. You wouldn't know anything about that obviously.

**Mr Leadston:** I've had some familiarity with it. Personally I've never used those tactics.

**Mr Marchese:** Are you now or have you ever been a member of the Communist Party?



**Mr Leadston:** Senator McCarthy, I've heard that question before. No, I have not.

**Mr Marchese:** I wanted to get that out of the way.

**The Acting Chair:** Why are you going on and on?

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**Mr Marchese:** You pointed out that you've worked with a lot of students with behavioural problems. It can be tough work. Social workers deal with that. I couldn't do it. It would be so emotionally traumatizing for me to deal with such problems. It's good that you have that experience. Are you aware of or familiar with new programs that anyone is offering that are either innovative or interesting or good as a way of convincing young people that this is the way to do it, to fresh start, rather than offering very little and they end up repeating offences? Or do you have any suggestions yourself as to what we should do?

**Mr Leadston:** I was fortunate enough to have met a business couple who, for a variety of reasons, were assisted in their youth for educational purposes and they became very successful. I will not reveal their name because when we started this bursary they did not want any publicity. They did not want their name mentioned. I was fortunate enough to have been asked by them to chair a bursary board. They put substantial monies aside specifically to assist young people to stay in school. The monies provided for such things as to repair a carburetor on a car, because someone in a rural setting had to drive; dental work; for children with disabilities who needed various visual aids, they paid for them; computers.

**Mr Marchese:** So this idea is a bursary. How many young people did it serve?

**Mr Leadston:** Perhaps 50 or 60 annually, including high-need situations.

**Mr Marchese:** That continues, Gary, this bursary?

**Mr Leadston:** Yes, it continues to this day.

**Mr Marchese:** Is that something you would recommend province-wide? Is that what you're going to work on and the government should work on? What do you think?

**Mr Leadston:** I don't think it needs government intervention or involvement. It needs people like yourself and the members in their respective communities to network with people in the business community, to say, "You started a business from scratch and you worked very diligently and very hard and you're very successful." I know and you know many employers like that. "Perhaps you could do something more beneficial for a specific group within the community."

**Mr Marchese:** I understand, Gary. I'm not sure that I agree necessarily, because that leaves the effort to individuals to come up with solutions as opposed to what governments ought to be doing as a way of providing resources. Like my Liberal colleague, I'm worried that there aren't enough resources out there. We hear that from everybody. I'm not sure whether you hear that or the members hear that, but whenever we ask questions, everything is OK. My view and the view of our caucus is that the resources are not there, which leads us to suspect

that possibly one of the reasons many applications are denied is because we have so very little to give them by way of reintegration that we hold them back. It leads me to suspect that's possibly one of the reasons why we're getting tougher, because we've got nothing to offer them. Do you think there is some legitimacy to that?

**Mr Leadston:** To a degree, but I think you and I are partly responsible for that. When I met with this couple with the concept they were very receptive. You could do the same, each member of this committee, of the Legislature, any individual in the community. All it takes is some initiative to call a group together and say, "Listen, we have some difficulty here." Whether it's inmates who are being released, whether it's young people, whatever the difficulty is, I think it has to be at the grassroots of the community. It's worked before. In most of my career I had very little involvement or intervention with government because when we saw a difficulty and we needed solutions, we called a group together and said, "We have a problem. How are we going to solve it?" That worked.

**Mr Marchese:** I understand what you're saying. It is good to see you, but we do disagree profoundly, obviously.

**Mr Leadston:** We have in the past and I'm sure we will in the future.

**Mr Marchese:** And we continue. Your point, which I'm assuming is theirs—

**Mr Leadston:** No, that's my position.

**Mr Marchese:** There are some striking similarities. Maybe not Morley, but I don't know.

Your point about it being your responsibility and mine is profoundly wrong, in terms of direction. Yes, there are millions of people who devote a lot of their hours contributing as volunteers in a whole host of places. That is already happening. I don't know how many more people we could engage, or whether we could engage the same volunteers to do more. My point is that you can't have governments deliver themselves from their obligations. When you say it's up to you and me, it says to the government, "Don't worry, government, you don't have to do anything because the communities out there are going to solve it." I disagree with that direction. I profoundly disagree.

I've got another question for you. With the superjails this government working on, which displace regional facilities, it's important for the parole board to consider the effectiveness of rehabilitation. If people are moved long distances from their communities to serve their sentences, isolated from family, community, church, support groups like AA, we're worried about that. You create these superjails, you remove them from their families, their support systems and, in my view, it creates a problem in terms of our ability to reintegrate them very close to where they have lived most of their lives. Do you think that's a concern?

**Mr Leadston:** I'm sure it's a concern to the inmates, the families and the communities, and I believe it would be a concern to the parole board and the administration, which I'm sure is looking at and examining those con-



cerns and will deal with them at an appropriate time. I don't think it's within my realm today to deal with the specifics of what you raise. Perhaps in time I could respond to that somewhat more informed, but I think that particular issue is under consideration and being examined very carefully.

**Mr Marchese:** Thanks, Gary. Nice to see you.

**Mr Leadston:** My pleasure.

**The Chair:** Thank you very much, Mr Leadston.

**Mr Leadston:** Thank you very much, Mr Chairman and members of the committee. I appreciate the opportunity to be here.

#### JAMES W. ASHCROFT

Review of intended appointment, selected by third party: James W. Ashcroft, intended appointee as member, Cancer Care Ontario.

**The Chair:** Our next intended appointee is James W. Ashcroft, who is an intended appointee as member of Cancer Care Ontario.

Mr Ashcroft, if you wish to make an initial statement, you may do so.

**Mr James W. Ashcroft:** Thank you very much, Mr Chairman. By way of an opening statement—I presume you have my curriculum vitae in front of you—you'll see that I have always had a consistent involvement in community affairs in conjunction with my employment, and a very important factor in my family life. I would like to give a brief summary of who I am.

I was born in Lancashire in England in a small mining village, the son of a fourth-generation coal miner. I myself entered the industry in 1956 as a coal miner and joined the National Unions of Mineworkers. I took advantage of educational opportunities and obtained a degree in mining engineering at the local community college. This is a program that Ontario has now started to introduce, and I think it's one heck of a good one. The industry was in decline, so I came to Canada in 1968 to work for Inco at Levack Mine in Sudbury. I progressed through the organization with a period in Thompson, Manitoba, to become the president of the Ontario division, and I retired in 1997 after 30 years' service.

I met my wife, who's also from England, in 1968. She was in Canada on the Commonwealth exchange program. She's just been appointed a school principal in Sudbury, so I'm going to be around, you know. We have three boys, who were all born in Sudbury. The first two graduated from Laurentian University, the first in mining engineering, and he's in London, England, with Barclay's Capital; the second with a bachelor's in economics, and he's with the Bank of Montreal in North Bay; and the third has just graduated from Western university as a mechanical engineer, and he's going to Cambridge University in England to do post-graduate studies.

My wife and I were born in northern England, and we are proud that our family is from northern Ontario. As you will note, over the years I've been involved in the theatre centre, Science North, the general hospitals in

Sudbury and Thompson, and Laurentian University, where I am just completing a nine-year term, five of which were as chairman of the executive committee.

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My main focus at this time is palliative care. I have been a volunteer for two years and am presently working with my fifth client and his family. I can assure you, gentlemen, that it sure makes you focus on the important things in life when you do that.

I'm also committed to heading up the mine contracting, consulting and supplies portfolio for the heart and stroke campaign at the new regional hospital. As a community, we have to raise \$17 million. That's the highest amount we've ever challenged, but I'm sure we can do it.

I was appointed to the transition board for the city of greater Sudbury, and that will end in January 2001.

I believe that as a northerner with a strong family commitment, my experience in industry, my past volunteer work and my association with palliative care and the fundraising for the new regional hospital, this will enable me to fulfill the commitments of the Cancer Care Ontario board, enable me to work as a strong advocate for my fellow northerners and help address their cancer needs.

Thank you, Mr Chair. Questions?

**The Chair:** Thank you very much. We will begin in this case with the official opposition, Ms Dombrowsky.

**Mrs Dombrowsky:** Good morning, Mr Ashcroft.

When I was looking at your curriculum vitae, I was looking for some previous connection in a health forum, as a member of a district health council or a hospital board of directors. Could you just state again your most recent experiences in the health field?

**Mr Ashcroft:** In 1988, I was a member of the board of the Sisters of St Joseph general hospital in Sudbury. Then I went to Manitoba and was on the board of the general hospital in Thompson, Manitoba, for two and a half years. So I have a total of three and a half years' direct involvement with hospital boards.

**Mrs Dombrowsky:** That's very good, and good information for me to have, as well.

With regard to this particular role, is this a role you inquired about and inquired how one might become a part of Cancer Care Ontario, or were you approached by an individual? How did you get here?

**Mr Ashcroft:** I didn't inquire, and I didn't ask. I've now been retired for three years, and I've been doing volunteer work. This, of course, is well known. I got a call from the Premier's office on this issue, asking me if I was interested, and it fits with the direction I'm going, with the fundraising and the palliative care, and now to get involved in this where you can really make a difference. I think that's important.

**Mrs Dombrowsky:** I'm just curious: How might the Premier's office have known you were retired and available for this kind of role?

**Mr Ashcroft:** I've been retired three years.

**Mrs Dombrowsky:** Do you know the Premier?

**Mr Ashcroft:** Pardon?



**Mrs Dombrowsky:** Do you know the Premier?

**Mr Ashcroft:** I've met the Premier, but I don't know the Premier. You know.

**Mr Marchese:** He's a nice guy.

**Mr Ashcroft:** I agree with that.

**Mrs Dombrowsky:** I'm sure you are not surprised when I indicate to you that I have a question with regard to what my colleagues refer to as health care apartheid, as it relates to Cancer Care Ontario and the fact that patients with cancer in northern Ontario are not able to access the same resources for compensation for treatment-related expenses as cancer patients in southern Ontario. This relates directly to policy wording. I guess I'd like to understand from you if you think this is equitable. Do you have a comment? Is it an issue that you believe needs to be addressed, as a representative from Sudbury?

**Mr Ashcroft:** It's an issue in Sudbury. It gets a lot of press attention. I've taken the trouble to attempt to understand the issue. The northern Ontario travel grant, as I understand it, has been in practice since 1987. It seems to have worked well through three administrations, the Liberals, the NDP and now the Conservatives. The issue has become an issue because of grants that are being given for re-referral in southern Ontario. There is a difference. I understand that the re-referral issue is available to the people of northern Ontario, too. But talking to the officials in Sudbury, they're not aware of anybody actually qualifying to take advantage of it. So in essence, because of the zoning—the way the zones are made—it does not become an item in Sudbury.

I think it's an issue that I will be looking at, but I'm not prepared at this time to make a statement to say it will be the most important thing I look at when I look at some of the other issues.

**Mrs Dombrowsky:** Can you name one other issue that you think would be more important?

**Mr Ashcroft:** They've done a needs assessment of northeastern Ontario regional cancer care and there are a number of issues on nurse practitioners, people they call voyagers whom they want to be in communities to help people find their way around the process to get help and how to handle it. When you look at that then you realize, of course, that is money. You have to decide where the priorities are. I am not saying that this travel grant is not an important issue, but before I—I'm not even on the board—would make a definitive statement on where I would stand on it, I would need to understand the greater issues more, I think.

**Mrs Dombrowsky:** Maybe I'm just not clear on the issue that I've asked you about, one that you would consider would be more important than the travel grant issue.

**Mr Ashcroft:** And my answer is that at this time I am not prepared to say one or the other is the most important. I was always taught that until I fully understood the issues, don't jump, and I don't want to yet.

**Mrs Dombrowsky:** Have you spoken with your local member about the travel grant issue?

**Mr Ashcroft:** No, I haven't spoken to Shelley Martel.

**Mrs Dombrowsky:** You are aware as well that the auditor's report very clearly demonstrated that patients with cancer in Ontario are not accessing treatment in the recommended time frame. It was at 32%; it's improved somewhat. What kind of priority would you give that?

**Mr Ashcroft:** I would think it would be an important priority, but you've given me numbers that I frankly don't know at this time.

**Mrs Dombrowsky:** Have you any sense why this is in fact the case in Ontario, why patients with cancer in Ontario are not getting treatment in what is the recommended treatment time?

**Mr Ashcroft:** I don't know what's happening in the other provinces and I don't know how we compare, but I would imagine—and again you've got the advantage of me—that attracting qualified personnel into Canada with the tax regime that we have is one of the factors that's a problem. It's an issue in industry and it's one in health care, I know. It may be training. There's lots of things, but I can't give you a definitive answer on that.

**Mrs Dombrowsky:** That would conclude my questions.

**The Chair:** On behalf of the third party, Mr Marchese.

**Mr Marchese:** Mr Ashcroft, welcome. Have you now or ever been a member of the Communist Party?

**Mr Ashcroft:** No.

**Mr Marchese:** Have you ever attended any meetings with other miners who might have been connected to the Communist Party?

**Mr Ashcroft:** You know, I had the good fortune when I left school to go to a mine that was next to a refugee camp from Europe. Everybody was a refugee, a displaced person. If there's one thing they hated, it was Communism. So I got cleaned up straight away.

**Mr Marchese:** You see, it's good to know that background. We get a better sense then of who we are.

I'm concerned about this last point that was raised by my Liberal colleague because Shelley Martel has been talking about the discrimination of the grant system as it relates to northerners versus southerners. Northerners get a travel grant: 30 cents a kilometre. That's all they get. Whether they go in the north or south or anywhere else, all they get is 30 cents a kilometre. In my humble view, I don't need to know very much. If I were a northerner, all I would need to know is all I get is 30 cents a kilometre. Somebody else from down here gets everything paid but up there we only get 30 cents a kilometre. I would be angry. I wouldn't need to know anything. I would say this has to be repaired and quickly. I don't need to go in there and say, "I'm going to talk to Mike Harris, find out why he's not doing it," and he's saying, "We've got to fix it, I know, but not now; we're under heat at the moment but we're going to look at this very closely to see when and how." I wouldn't need to know anything, except that it's discriminatory, don't you think?

**Mr Ashcroft:** Different from you, I do need to know something before I pass opinions, and I can assure you that if I decide that this is an issue that has to have



number one priority and is one that we drive for, I won't hesitate to do it. I've tried to do as much reading as I can, and there's a lot of things, a lot of issues that are evident for the north. It's something that I'm pleased I'll get an opportunity to do deal with.

1130

**Mr Marchese:** And I'm sure you will. We're dealing with life and death. Cancer is life close to death. Many people die when they get cancer and some people survive. To have the extra burden on me, as an individual, and the family in terms of worrying about whether we have enough money to deal with this problem is of the utmost importance.

You said you've read about this, you've heard about this, you've talked about this, but you're going to read some more once you get there. I understand that. I appreciate that. But when we're dealing with an issue of life and death, I shouldn't have to worry, as a northerner, about whether I have enough money to be able to go the extra mile. There are a lot of miles up there in the north in terms of travel between one distance and the other—just up there, let alone talking about going somewhere south. I would want to be relieved of that extra financial worry. I would think that would be an issue for you too.

**Mr Ashcroft:** I didn't say it wasn't an issue. I said it's one of many issues that need to be considered. As far as understanding that people are facing death, when you face a client in palliative care, like I do, these issues are there. I think it's an important one that we'll be looking at.

**Mr Marchese:** We know there's a shortage of radiation therapists. You know about that.

**Mr Ashcroft:** Yes. I read something about the change from three to four years and no graduates in the year 2000.

**Mr Marchese:** Right.

**Mr Ashcroft:** I think the Michener institute of health was involved.

**Mr Marchese:** We will obviously have more therapists coming in in the year 2001. But in 1995, in the wisdom of the Conservative Party, they cancelled the training program for radiation therapists in Ontario, which we think was dumb. Would you agree that it was short-sighted for them to have done that?

**Mr Ashcroft:** In hindsight it looks a mistake.

**Mr Marchese:** We should correct that as soon as we can, shouldn't we?

**Mr Ashcroft:** I understand there was a major recruiting program undertaken in Ontario.

**Mr Marchese:** Sure. We're into a crisis; what are you going to do?

**Mr Ashcroft:** I can't believe it, but I understand they got into trouble getting them into the country because of federal regulations. I think there's an attempt being made. I don't know how successful it's been.

**Mr Marchese:** Thank you, James.

**The Chair:** Representatives of the government caucus.

**Mr Bert Johnson (Perth-Middlesex):** I have one question. The payment of expenses for cancer treatment in southern Ontario and northern Ontario has come up a couple of times. I happen to live in a place called Listowel, Ontario. It's about 100 kilometres north of London. I would guess on any one day you could count several cars that leave Listowel and go to London for cancer treatment at the large tertiary hospital there.

In spite of the comments that were made, I don't think any of those people know or care that they don't get 30 cents a kilometre for treatment. They don't get anything. I know the legion contributes. I know there are volunteers who help. Usually it's an all-day event. Driving on the way home after the treatment might eliminate people being able to get home that night if they had to drive themselves. So I think there's a little bit more to the expense and the payment and that sort of thing than what you're hearing today.

I just wanted to say that I like your attitude that you'll find out more about it before you make up your mind, because to me that demonstrates the type of person we would want on such an important board as Cancer Care Ontario.

**Mr Wood:** We'll waive the balance.

**The Chair:** Thank you very much, Mr Wood, for indicating that. Thank you very much, Mr Ashcroft, for appearing before the committee.

At 12 noon we are scheduled to deal with motions of concurrence. I see representatives of the three political parties here today, the government, the official opposition and the third party, so with your permission I will proceed with the concurrences at this time and I will receive motions.

**Mr Wood:** I move concurrence on the intended appointment of Mr Brown.

**The Chair:** Mr Wood has moved concurrence on the intended appointment of Mr David A. Brown as a member of Cancer Care Ontario.

Any discussion? If not, all in favour? Opposed? The motion is carried.

Next we will be dealing with Mr David Braley, intended appointee as member and chair, McMichael Canadian Art Collection board of trustees.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence in the appointment of David Braley. Any discussion?

**Mr Marchese:** Just a concern, Mr Chair. I think Mr Braley is a very decent, sincere man in terms of his interest in his work. I was a bit concerned, though, about his comment around the selection process of the disposition of the art. I mean, he's going to be a member of a committee that has to decide what to do with the art and he gave the impression that he wasn't in a position to be able to judge that, "What is of good quality to me or of interest to me might not be of interest to somebody else." He's going to be a member of that committee; he's going to deal with the disposition of the art. I was a bit concerned about the appointment. I know he's a well-intentioned, hard-working individual, but in terms of what



he's being asked to do here and his answers to that responsibility and role, I am worried.

**The Chair:** Any other discussion?

**Mrs Julia Munro (York North):** Yes, I just want to comment that I think he made very clear in his comments the understanding he has of his role as a potential chair. In response to the concerns raised by the member, he did make reference not only to the responsibility he has to listen to the various people who would be providing input, but also demonstrated, I believe in response to a question from Ms Dombrowsky, his ability, his track record if you like, in bringing together disparate opinions and working on those. I just want to suggest that he did in fact give us some evidence that would demonstrate his ability to bring those disparate groups together.

**The Chair:** Any other discussion? If not, I'll call the vote.

All in favour? Opposed? The motion is carried.

We now deal with the intended appointee as a member of the Board of Parole, Mr Gary Leadston.

**Mr Wood:** I move concurrence.

**The Chair:** Concurrence is moved by Mr Wood. Any discussion?

All in favour? Opposed? The motion is carried.

We will now deal with Mr James W. Ashcroft, intended appointee as member, Cancer Care Ontario.

**Mr Wood:** I move concurrence.

**The Chair:** Mr Wood has moved concurrence in the appointment. Any comment?

**Mr Marchese:** I am concerned both with Mr Brown and Mr Ashcroft in terms of their answers to this question of discrimination to northerners re the travel grant. In my view, their answers are very inadequate. I'm not quite sure what they would think or what Mr Ashcroft thinks is important, if this one isn't. We're dealing with an issue of life and death. There's an unfair practice here

of giving dollars to southerners that northerners do not get, for travel within their own northern boundaries and beyond. We as the New Democratic Party find this discriminatory. I'm surprised that the members couldn't come up with a clearer answer to the questions we have asked. So we're opposed to these appointments, and particularly opposed philosophically to what the Premier has done by firing Gerry Lougheed with his language about that being health care apartheid. I think that's what ousted him from his position, because I think he wants little toadies on the board. I suspect that Mr Ashcroft and Mr Brown are not going to rock any boat, from the kinds of answers they've given to our questions.

Philosophically, principally, we're against what the government has done to Mr Lougheed. I think he spoke out in a way that is fair to northerners. I think that's what I would have done if I were there. I expect any member to say the same, and I don't get the impression Mr Ashcroft or Mr Brown are going to rock any boat if they discover there's some discrepancy or some discrimination going on. For that reason, I'll be voting against Mr Ashcroft as well.

**The Chair:** Any other discussion?

If not, I'll call the vote.

All in favour? Opposed? The motion is carried.

We have now concluded our business. Is there anyone who has any other business they wish to raise with the committee?

**Mr Marchese:** It was nice to see you, Mr Chair.

**The Chair:** It was very pleasant to be here.

If not, I will ask for a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** Mr Wood has moved adjournment. All in favour? The motion is carried.

*The committee adjourned at 1140.*







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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 27 September 2000

# Journal des débats (Hansard)

Mercredi 27 septembre 2000

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Nominations prévues



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 27 September 2000

Mercredi 27 septembre 2000

*The committee met at 1001 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James Bradley):** Since all three parties are now represented, I'm going to call the meeting to order officially.

You'll notice that Donna Bryce is sitting beside me as the clerk of the committee. Doug Arnott, who was with us for a considerable period of time, certainly since I've been the Chair of this committee, will be going to other duties with other committees. We would like to thank Doug very much for his kind assistance, his advice and his rulings. When I say "rulings," he gives advice and the Chair gives the rulings, but I think we know around here that we are very much reliant on the staff of the Legislative Assembly to provide us with good advice and we are wise when we do not vary from that advice, in my opinion. So thank you very much, Doug, and we wish you well in your other service.

**Mr John Gerretsen (Kingston and the Islands):** Where is he going?

**The Chair:** To other committees. Mr Gerretsen was worried that you may be going elsewhere completely, but he will still be around the building.

I should say at the beginning that we do very much appreciate Legislative Assembly staff, because they are the ongoing officials who provide advice to us. No matter what the political affiliation of the person in the chair or the circumstances of the committee, these are the individuals who provide us with the advice and service that we require. That is, of course, a great benefit of our system, that we have people who are non-partisan public servants in these positions.

The first item on the agenda will be the report of the subcommittee on committee business dated Thursday, August 31, 2000.

**Mr Bob Wood (London West):** Mr Chair, I move its adoption.

**The Chair:** Mr Wood has moved its adoption. All in favour? Opposed? The motion is carried.

## INTENDED APPOINTMENTS

## ROBERT WEISS

Review of intended appointment, selected by third party: Robert Weiss, intended appointee as member, University of Toronto Governing Council.

**The Chair:** We begin the appointments review this morning, a half-hour review, from the certificate received on August 25, 2000. It was a selection of the third party: Robert S. Weiss, intended appointee as member, University of Toronto Governing Council. We'll ask Mr Weiss to come forward, please.

You'll correct any pronunciation mistakes I make, Mr Weiss.

**Mr Robert Weiss:** Thank you and congratulations. You got it correct, against all odds.

**The Chair:** Thank you very much, sir. As you are likely aware, we welcome you to make any initial statement you wish to the committee. After that time, we will commence the questioning. Today it will commence with the third party, but you are certainly welcome to make any statement you wish to begin.

**Mr Weiss:** Thank you, Mr Chair. I would like to make a brief opening statement.

First of all, I would like to say that I am pleased and honoured to have been asked to join the governing council of the University of Toronto. I would also like to say that I am happy to be here today and to answer any questions you may have.

I understand you have been provided some brief biographical background about me and my qualifications for membership on the U of T governing council. Rather than repeat that background, I'd like to comment on why I would welcome the opportunity to serve on governing council.

First of all, I believe it's important for those of us who enjoy the benefits of our community to give back to that community when we can. To that end, I consider myself fortunate to have had the opportunity to serve on the boards of the volunteer committee of Metro Toronto, the United Way of Greater Toronto, the Toronto Symphony Orchestra and the business board of the governing council of the University of Toronto.

With specific respect to the University of Toronto, I have a long-standing relationship which began as a graduate of the University of Toronto Schools, UTS, and continued as a graduate of the University of Toronto. More recently, I have been pleased to serve for seven years as a member of the business board and for four years, first as vice-chair and more recently as chair of that board's audit committee.

In addition, I have been involved as a member of the dean's advisory council for the Rotman school of



management. I believe that the highest standards and quality of education are absolutely fundamental to our present and to our future, and I believe that the University of Toronto is among the most important, if not the most important, post-secondary institutions providing that education. I believe the combination of the tutelage from my current and former involvement with the university, together with my experience across a broad range of not-for-profit organizations, support my strong interest in working with the University of Toronto.

As I said, I'm pleased to be here today. I hope I will receive your concurrence, and I would be pleased to answer any questions you may have.

**The Chair:** Thank you very much, sir, and we'll begin with the third party.

**Mr Tony Martin (Sault Ste Marie):** Thanks for coming before us today and being willing to answer some of the questions we might have. Our party asked that you come before the committee today, not so much because it's you personally as, in our view, what you represent. That's why we wanted to ask you some questions. There's a concern out there among the public in Ontario today—and certainly the University of Toronto is probably the leading post-secondary institution in the province—that there's a drift away from liberal arts and more into the technical field, and that's driven primarily by the corporate or business community, which have a different vision of where universities should be going as juxtaposed to where they were.

What's your position on that? What's your view of that? You'll be moving into an arena now that would give you some significant opportunity to have some influence and have your voice heard. The concern is out there, and it's been raised by some fairly notable people, none more notable than Chancellor Jackman at U of T, who affirmed the importance of a liberal arts education, and he, with others, raising a red flag that maybe we're losing a sense of the importance of that.

**Mr Weiss:** First of all, speaking only to my own background, when I entered the University of Toronto I enrolled in classics, which I think is probably somewhere in that liberal arts spectrum, although not exactly the norm. As I graduated, I graduated from political science and economics. Although I certainly have had my background from a business point of view, I believe that background would be representative of an affinity to the liberal arts. Too, I think you're aware of some of my other background in terms of things that are not as focused as you were suggesting things are.

I view that question as not one of either/or. I think the University of Toronto has a great tradition across many spectrums. Like many institutions in many areas, it has to address questions of priorities. I have observed a process where it does that, and I don't think that it has abandoned the importance of a liberal arts education, and that's a healthy debate that I look forward to engaging in.

**Mr Martin:** I appreciate that, and it's interesting to note your own personal history.

You come to this from an accounting background, and certainly the name Andersen—and you'll have to forgive me; yesterday people tried to help me understand the difference between Andersen Consulting and Arthur Andersen. They are two different companies?

**1010**

**Mr Weiss:** They are clearly today two different companies. They have operated for some period of time as two sister organizations of the same worldwide organization but, as you may be aware from the press, they have been at best like an estranged marriage that has now gone through a divorce.

**Mr Martin:** The name Andersen keeps popping up with this government. Every time you turn around it seems there's an Andersen, whether it's Arthur Andersen or Andersen Consulting, doing something on behalf of the government. There was the very public initiative in the whole area of welfare that Andersen Consulting got themselves into and are involved in. I know in my own community there's been a number of contracts given to Andersen, one of the Andersens, to do some work. I'm just wondering if maybe you could tell me whether this is a large plot for this government to turn the governing of the province over to the Andersen corporation of one sort or another, and maybe you're not part of that. Are you a plant into the University of Toronto now, another tentacle out there?

**Mr Weiss:** No.

**Mr Martin:** That concerns me. It concerns me that, where we used to look far and wide to find a variety of people to appoint to boards like the University of Toronto and other institutions across the province, more and more we see people of your professional background being appointed. Is that a concern for you at all?

**Mr Weiss:** You would have to ask the people at the university why they have approached me to join the governing council, number one. In reference to your earlier comments, the jobs that you referred to are Andersen Consulting jobs. Until the end of this month, in my role as the managing partner of Arthur Andersen, those were not jobs that we were involved with.

With respect to work that Arthur Andersen is doing, wherever it is, I do believe that Arthur Andersen provides a wide range of professional services, competes for those jobs as anybody else, and whoever makes such decisions does them in accordance with government policies. I would be very surprised if Arthur Andersen is doing more of that work than the other firms that provide those types of services.

There is no discussion I've had in any way, shape or form about my being with Arthur Andersen that has anything to do with the request that was made of me to join the governing council of the University of Toronto.

**Mr Martin:** I would hope not, because the sense that some of us got, certainly up in Sault Ste Marie when a contract was given out just recently, was that Andersen is plugged in, Andersen has access, Andersen can get through the door. So Andersen gets appointed, Andersen gets the contracts. I would hope that's not the case here;



that that's not why this appointment is being made; that in fact you're being appointed because you bring a certain package of expertise and experience to the job that will in the long haul benefit the university.

As I said before, the U of T is a flagship in this province and what happens there oftentimes filters back and affects other institutions. For example, at the little university that struggles to keep itself going in Sault Ste Marie, Algoma College, a part of Laurentian University, we struggle very much to retain a piece of the action and try to provide the students of our community and area an opportunity to study at home if they so choose. Mind you, this year, for the first time, we have more students from out of the area than we have from inside, so things are looking up.

There are some difficulties, obviously, out there in the universities. You cannot help but note that the amount of money going to post-secondary institutions has gone down significantly while tuition fees have gone up. That, at some point I think, is going to come to a head and begin to show itself in some significant ways, the inability of small universities to continue to operate maybe, and this would be sad; the inability of some students perhaps to go to university because they can't afford it, or they don't want to take on the very high debt load that seems to be there as they look at this. Do you bring any creative, new information or approach that might be helpful to that end?

**Mr Weiss:** I apologize. I'm not sure I can be the judge of whether I bring any creative, new approach. Some of the issues that you're talking about are certainly issues that I and probably everyone are aware of. I'm aware of the funding issues that have existed over the past decade, exactly as I'm aware of them in health care and arts and culture. I am aware that the ability to fund any number of those things which are important is a continuing issue. Perhaps we're entering a new age and phase or perhaps we're not in terms of availability to do that.

I have been involved, as a member of the business board, in discussions about the tuition fees. I believe the University of Toronto, as I have observed it from the business board, has dealt very seriously and very responsibly with the issue of increased tuition fees and allowed full access to different points of view. I think it is doing all that it can to try and deal responsibly to provide the highest quality of education in as balanced a fashion as it can.

I know that much of the debate that I've been engaged in with respect to the tuition fees includes and is coupled with the question of accessibility and affordability. Yes, perhaps there are issues about mounting debts, but I know that the amount that has gone directly into student aid over the past however many years has increased multi-fold in terms of the policies. So as the tuition fees are going up, one third is being set aside for increased support of students, and I know that the role and goal of the university is that no otherwise eligible student will be denied access for financial reasons.

**Mr Martin:** Just to give you an idea of exactly what that situation is—and I suggest to you it's a lot more grave than you paint, so it concerns me that you're not seeing it that way—provincial operating grants provided to the universities by the government have declined by 13%, operating grant support for full-time-equivalent students has declined by 17%, whereas tuition fees have gone up by 45% and the average student debt load coming out of universities has more than doubled since 1995. Those indicators, to me, would be a huge red flag or should be a huge red flag for anybody taking on responsibilities such as the job that you're looking at being appointed to here today.

What's your view? Should government be carrying more of the responsibility or should, as seems to be the direction that we're going now, that responsibility be put more and more on the shoulders of individual students?

**Mr Weiss:** I view my role going into the governing council as being to do all I can, both as an advocate and to deal with the circumstances that are there. As I said earlier, to the extent it is possible to do more, it would be great, as it would be in any number of other areas. I think it is a balance, I think there is a process, I think there is a dialogue that does take place and I hope will continue to take place about the level of funding.

**Mr Martin:** What's your view—

**The Chair:** Your time has expired, Mr Martin. We will now move on to the government.

**Mr Wood:** We'll waive our time.

**The Chair:** The government has waived its time. We move to the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Good morning, Mr Weiss. I'm very happy to be here this morning. I have a special interest in your appointment. I am a graduate of the University of Toronto, and it's always nice to hear when my colleague views that institution in such positive terms as well.

Mr Weiss, I'm sure you are aware that during the term of this government there has been a significant decline in the support that post-secondary institutions receive from the government. We know that on a per-capita basis the province of Ontario ranks eighth in Canada in terms of the support it provides to post-secondary students, and we know with regard to capital expenditures that we rank 10th in Canada. The most blessed province in the country supports our post-secondary students the least.

I would like to understand from you this morning what role you think the governing council of post-secondary institutions would have in advocating that this would change. Do you think it's acceptable, do you think we should be satisfied with this kind of ranking or do you think that the students of Ontario deserve more?

**1020**

**Mr Weiss:** First of all, I believe, as I said in my opening comments, that the whole issue of education is paramount to how we function as a community, how we function as a society, how we are able to create our own future. To that end, I think the question of funding is



obviously a hugely paramount one. As I referred to earlier, the discussions I've been involved in on the business board, they certainly are well aware of the issues and challenges.

Bluntly, I would like to see all aspects of the support system do as much as they can for the education system and for any others. And to the extent that difficult choices are made by governments and are made by individuals in that support, I think as a member of governing council and a representative of the community it is up to us, together with the rest of the institution, to make the case for greater support for institutions that are as important as the University of Toronto, as has been the case in some of the other activity. I believe, in accepting an invitation to go on the governing council, that sort of mandate of looking wherever you can to spread the message of the importance of education, the key, central role of the University of Toronto, the message of importance in getting funding, is part of my mandate as a member of governing council.

**Mrs Dombrowsky:** Just so that I'm clear, you then do believe the governing councils of post-secondary institutions have a role in terms of indicating to the government or lobbying the government to say this is not acceptable?

**Mr Weiss:** I think they have a role in indicating that whatever can be done needs to be done by governments, and the University of Toronto is a very good example to the general public, where there's been \$700 million raised as part of that. I think that advocacy role about the importance of education is part of it.

I'm not sure, when you say whether it's acceptable or not—this is a dynamic situation. Some of my other involvement, as you know—for example, with the Toronto Symphony I can make exactly the same statement to the public and to governments about the level of funding not being acceptable. I think that we all, whether we are the government or individuals within our province and our city, need to recognize the importance of these things and do as much as we can. At that point you get into the difficult question of priorities. I think it is up to governments to support those things that are important to our society. I do not think it should be their sole responsibility to make sure there's more and more. That is a collective responsibility in which they should participate.

**Mrs Dombrowsky:** Thank you. With regard, you did make some reference to some of the other challenges that face post-secondary institutions. You certainly, I'm sure, are aware of the faculty shortages and the fact that there are going to be, in the next few years, a significant number of professionals in that field retiring from the profession of teaching. Compounded with that reality is the fact that in the year 2003 post-secondary institutions are going to receive the double cohort.

Are you concerned at all about the post-secondary institutions' ability to manage those numbers when they arrive at your door in the year 2003?

**Mr Weiss:** Of course I'm concerned about all of those issues. To me, the issue and why I would look forward to being on governing council is to be able to participate in

the debate and perhaps when I'm more involved and informed to be able to come up with the creative solutions of which we're speaking, because it is very important and those are issues and challenges.

Those are not issues and challenges that relate simply to the University of Toronto. We read about those challenges in terms of the most qualified people, whether it's in academics, whether it's in the arts, whether it's in business, whether it's whatever. That's an issue we have as a society, and it applies no less to the university and it's no less urgent for the university than it is in all these other areas. It does need more thought and communication to deal with it.

**Mr Gerretsen:** Thank you very much, Mr Weiss. I'm looking here at Canada's Who's Who 2000, in which you're listed. It lists, among others, that one of the clubs you belong to is Queen's. Are we referring to Canada's number one, leading university? Are you involved with Queen's, or is this another Queen's?

**Mr Weiss:** No, we're not. I was, when I had a body that functioned better, a member of the Queen's Club, which was a local tennis club. It is something that has left me, with my youth, unfortunately.

**Mr Gerretsen:** I thought maybe you also had the benefit of a Queen's University education—

**Mr Weiss:** No, I do not.

**Mr Gerretsen:** —which many people around here have had and they've done well by it.

**Mr Weiss:** I will not apologize. I only have University of Toronto blood in me.

**Mr Gerretsen:** I see. Let me get quite specific, sir. You're an accountant. You know that the province, up until about two years ago, was in a horrible financial mess with deficits of \$10 billion per year for the last seven or eight years and gradually that dwindled down etc. We're now at the point where we're talking about surpluses. We're also at the point where we know that our ranking is 10th and we've gone from \$180 million to \$125 million over the last seven years by way of a decline in the provincial operating grants to universities.

You're on the governing council and you're asked to make a decision. We're going to write a letter to the Premier and say, "You balanced the budget. We've got this excess money. How much of that should be spent towards post-secondary education?" Would you, for example, tell them, "Look, it's much better to put that money into post-secondary education and health care and other needed services than in \$200 cheques to be sent to each and every person"? What side of the ledger do you come down on in that debate?

**Mr Weiss:** The side of the ledger would be to participate in a debate as an advocate of the university in terms, as I said before, of the importance of education. I don't know that "luxury" is the right term, but because we have the opportunity at this point in time in a different fiscal environment to look at it, I hope there will be an increase in support for education.

I think I have an advantage and a disadvantage because I am involved in other organizations in which I



also believe strongly, and that gives me the opportunity to know that, unfortunately, I myself can't answer, to be overly simplistic, how much should go to the University of Toronto versus the Toronto Symphony Orchestra. I'm not asking anybody here—

**Mr Gerretsen:** But you're going to be on this governing council, and undoubtedly at some point in time you're going to be asked to support perhaps a motion or resolution, a letter to the government etc that's going to suggest, "Look, we are not satisfied, as one of the leading post-secondary education institutions in Ontario, with a 10th ranking of all 10 provinces. We want to go at least to number five ranking, which means you've got to put more money into the system." How would you vote on a motion that would come before the governing council on an issue like that? Would you vote in favour of sending that kind of letter to the government, to the Minister of Training, Colleges and Universities?

**Mr Weiss:** I apologize that with your specifics of whether I would deal with a specific letter that says I would vote for a letter of support to be fifth as opposed to eighth as opposed to second, I would propose to engage in that discussion and debate and get more facts.

With respect to would I be prepared to support a request to the government for additional funding for education and for the University of Toronto, I would definitely be in support of that.

**The Chair:** That concludes your questions. Did you have a point of order?

**Mr Martin:** I was just wondering, given that the government party didn't ask a question, if I might have unanimous consent to ask one more question.

**The Chair:** There would have to be unanimous consent.

**Mr Wood:** There isn't.

**The Chair:** "There is not," says Mr Wood. Since there is not, I must go by—unanimous consent was asked for, unanimous consent was denied to Mr Martin, so I thank you very much, Mr Weiss, for being with us this morning and for answering the questions.

**Mr Weiss:** Thank you.

**The Chair:** We will now deal with the appointment. I'll entertain a motion.

**Mr Wood:** I move concurrence.

**The Chair:** Concurrence in the recommended appointment is moved by Mr Wood. Any discussion?

**Mr Martin:** I have no difficulty with what Mr Weiss brings to the table re this appointment. I think he'll probably—and it probably will be approved here this morning—prove to be a valuable asset to the governing body of the University of Toronto. I did appreciate his answer to the question on liberal arts and his understanding of the need to support that, given his own background.

However, his appointment does represent for me and for our caucus a drift that's happening with this government to turn everything over to a business interest, a more corporate environment, and that worries me.

1030

The question I was going to ask had I been given the opportunity, and I think it's an important question—I actually should have asked it when I had my own time—was his view on the proposed introduction to Ontario of private universities and how he saw that affecting the ability of an institution like the University of Toronto to continue to operate.

I hope he would become an advocate of publicly funded and publicly administered and run universities in this province so that everybody who wanted to and had the potential to participate and be successful would be able to do that, so that we're not setting up two tiers here, either of universities publicly funded, publicly administered, or a privately run system of universities and a publicly run system of universities. Those who can afford it will go to the privately run universities, perhaps because there will be, I'm sure, some financial support from the corporate world to make sure that the brightest and smartest of our kids get to go to some of those private universities, but everybody else will end up at the publicly funded and administered universities. You can only imagine how that will play itself out and what will happen re the further stratification of the society in which we live.

As a province, we're recognized and admired around the world for a number of things, including the fact that we've taken the very courageous stance over a number of years, under the leadership of various governments, to have publicly funded, publicly administered institutions like health care and education.

I don't think anybody would disagree that in the climate we live in today, with the kind of business activity that's happening out there, there is a need for people to be educated ever more fully to participate. Governments in the past, because they recognized that entry level into the workplace at one time used to be grade 8, decided to fund publicly the education of all students up to grade 8. Then it was recognized that entry level was secondary school, so they decided to fund secondary school fully. I suggest to you that today in the world we live in, entry level to any job is post-secondary, is college or university. For a lot of jobs now the entry level is a university degree.

If we don't sit up and pay attention to what's happening to our universities and the ability of people to participate because of the financial constraints that are there now, we're going to be in big trouble. We're not going to be able to compete on the world stage, and we hear a lot about that from our government today, that we need to compete.

I was in Ireland this summer and met with a number of the leaders over there on various levels. One of the first things the Irish government did in recognizing that it needed to do something about a very stagnant economy was to invest in education, to put significant money into the further development of their education system, to a point where now in Ireland there are no tuition fees. They recognize that they've got to provide opportunity for

everybody in Ireland who has the potential to participate, to achieve a post-secondary education so they can be involved in the very exciting economy that's happening over there.

Ireland is blowing past most countries in the world today in the development of its economy and in fact became the leader in the world for selling and distributing software. I suggest to you it's not just, as some people would suggest, a very attractive business tax rate but it's because they've also invested in things like education for their populace.

Given that we have so few opportunities any more to talk to this government about its initiatives—the rules have been changed so significantly in the Legislature; we do so little public consultation on almost anything that they put out—and democracy has been so whittled back in our province today, we have to take every opportunity that we can, in whatever small way, to send a message to this government that we think their direction is wrong, that they're impeding progress, as opposed to supporting it and encouraging it, by a move to making our universities and colleges simply vehicles of business to get more workers, who are very narrowly educated—the issue of liberal arts and the humanities—a move to a situation where fewer and fewer of our young people will be able to access university because of the move to putting the financial onus more on the shoulders of

individual students by way of loans rather than the government itself putting money into those institutions and the very frightening and difficult move we're seeing now to actually introduce into the province of Ontario the concept of private universities.

Even though Mr Weiss may bring—and will, because he'll obviously get approved here this morning—some sensitivity to a number of those issues, I need to vote against this simply to send a message to the government that I think they're heading in the wrong direction. They will do damage if this is allowed to continue for a significant period of time from which it will be very difficult to recover. The losers in the long run will be the people who reside in my constituency and I suggest in the constituency of every member around the table here this morning. It will be unfortunate. However, I will be able, in some small way, to hold my head up because I opposed it and took this opportunity to tell the government that I did so.

**The Chair:** Thank you. Any further debate? If there's no further debate, I'll put the question.

All in favour? Opposed? The motion is carried.

I don't believe there's any further business for the committee, so I'll entertain a motion of adjournment.

**Mr Wood:** So moved.

**The Chair:** All in favour? Motion carried.

*The committee adjourned at 1037.*











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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 15 November 2000

# Journal des débats (Hansard)

Mercredi 15 novembre 2000

## Standing committee on government agencies

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Intended appointments

## Comité permanent des organismes gouvernementaux

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 15 November 2000

Mercredi 15 novembre 2000

*The committee met at 1004 in room 228.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** I will bring the meeting to order. The meeting of Wednesday, November 15, 2000, is now underway, for the purposes of Hansard and other purposes. Our first item contains reports of the subcommittee dated Thursday, September 28, October 5, October 12, October 26 and November 2, all 2000.

I am prepared to entertain a motion for all of those at once.

**Mr Bob Wood (London West):** So moved.

**The Chair:** Moved by Mr Wood that the reports of the subcommittee dated as I have stated and as you find in your agenda be approved. All in favour? The motion is carried.

## INTENDED APPOINTMENTS

## DAVID JOHNSON

Review of intended appointment, selected by official opposition and third party: David Johnson, intended appointee as member and chair, Ontario Municipal Board; cross-appointment as part-time chair, Assessment Review Board (Ministry of the Attorney General) and Board of Negotiation (Ministry of Municipal Affairs and Housing).

**The Chair:** We have one appointment to be reviewed today. It's a half-hour review of intended appointments, as always. It's from the certificate received on October 27, 2000: selection of official the opposition party and third party. It's Mr David Johnson, intended appointee as member and chair, Ontario Municipal Board; cross-appointment as part-time chair, Assessment Review Board, with the Ministry of the Attorney General, and Board of Negotiation, with the Ministry of Municipal Affairs and Housing. Welcome to the committee, Mr Johnson.

**Mr David Johnson:** I'm delighted. Old habits die hard. I might say that when you said, "All in favour," I almost put up my hand.

**The Chair:** As you know, or perhaps you don't know—you may not have appeared before this committee in this context before, but I believe when you were in opposition you were perhaps on this committee at one time—we have the guest who is the intended appointee

able to say whatever he or she sees fit at the beginning. So if you wish to make an opening statement, we'd be happy to hear from you.

**Mr Johnson:** Thank you very much. I'm pleased and honoured to be here today as the nominee for the positions you have indicated: chair of the OMB, chair of the Assessment Review Board and chair of the Board of Negotiation.

As I'm sure the members know, these boards have been working together under the recommendation of Bob Wood's task force on agencies, boards and commissions.

The OMB, and specifically the chair of the OMB, in my view plays a most important role in the province of Ontario. Over the years I've had the honour to serve as alderman, mayor and member of provincial Parliament for over 26 years. Alderman is not a term that's used today. I guess that dates me, Marilyn. I think it was over 20 years ago. I think the city of Toronto used it.

**Ms Marilyn Churley (Toronto-Danforth):** I changed it.

**Mr Johnson:** You changed it. Well, credit to you.

During that period I've had the opportunity to serve on many local and regional planning committees as well as the local planning board in East York. In those capacities, the experience I received as a member of the panel to receive witnesses on land use issues and to make decisions on those matters has left me with some strong impressions, notably that land use issues are among the most important issues to the average residents of the province, for the reason that the outcome of the issues may affect their neighbourhoods and their day-to-day lifestyle.

The fair hearing process is essential. I understand that not every decision can please every party before a hearing, but I believe that all the parties should feel they have had the opportunity to put forward their point of view and that their point of view was respectfully received.

During my six years as MPP here at Queen's Park, four as a cabinet minister, I had the opportunity to work closely with provincial assessment officials and conducted a number of forums in my riding on assessment matters. As a result of those forums and the information that people received, there were thousands of appeals that were generated and most of them were successful.

That experience has fortified my belief that when most people talk about taxes, they're actually talking about property taxes and all of the components of property



taxes, of which assessment of course is a key ingredient. So it's most important that property assessments be fair and that the process for ensuring that fairness is open and accessible and understandable to the ordinary person. It's because of those experiences, and my interest, I might say, in continuing public service, that I think I would serve well in the positions I'm being considered for here today.

With that, I thank you for your attention, and I'd be happy to answer questions.

1010

**The Chair:** I will commence with the official opposition.

**Ms Churley:** How much time do we have?

**The Chair:** It will be 10 minutes per party.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Mr Johnson, I appreciate your appearing before us today. It's the first time I've been to this committee too, so bear with me.

I'll just say at the outset that when Mr Johnson's announcement was made, it was, as I recall, late on a Thursday. My initial reaction as one who, like Mr Johnson, has had some experience in the municipal sector was, "Oh, here we go again," a late Thursday announcement on a holiday weekend, trying to hide the move from any kind of critique. A further abandonment of municipalities: moving something that used to be in the Attorney General's office to the OMB—I believe it went over in the early 1990s—and now sending it back. Chatting quickly with some of my municipal colleagues, I was led to believe, and may be corrected today, that there was little if any consultation with municipalities with respect to this move. Then I stopped and I got to thinking, what a way to spoil an announcement.

I guess by way of segue I'm going to say that if the government is intent on moving in this direction, and they clearly are, I and my caucus can't think of a better person to appoint than Mr Johnson. Your background, sir, as a mayor and as an honourable cabinet minister, MPP and, most importantly, a former resident of Greensville, speaks well for you. I want to say that up front.

You might say, "Why the heck did you want to have the chance to speak with Mr Johnson if you're feeling reasonably comfortable?" It has nothing to do with you, Mr Johnson; it has to do with the social policy around the combination of boards and commissions and such, as outlined. I wanted to have an opportunity to catch a glimpse of some of Mr Johnson's thinking. In that context, Mr Johnson, I'd like to ask you a couple of questions.

The major knock on the Ontario Municipal Board from a municipal perspective, and as a former mayor of the town of Flamborough I can speak to this directly, is what is perceived, I think accurately, to be the increased overturning of the decisions of citizens and their democratically elected councils, almost to the point—we've seen this with the Oak Ridges moraine issue in particular—where seemingly the will of the people and their democratically elected councils, after a lot of debate

around land use issues, particularly as it relates to the environment, is simply being thrown out. In fact, some of the bigger developers often will indicate their desire to go to the OMB even before a decision is made at the local council. I'm wondering if you can comment on that, given that a lot of municipal leaders think the OMB should be done away with entirely, primarily for those reasons.

**Mr Johnson:** In terms of that latter comment, that would be out of the purview of the OMB, or the chair of the OMB. If it was the will of the Legislature to do away with the OMB, then that's where the decision would have to be made, by the elected representatives of the province of Ontario.

I'm not unsympathetic to your lead-in to the question in the sense that my beginnings were with ratepayer organizations going back to—I'm dating myself again—1972. I was the president of a ratepayer organization in my area, in East York, and then assumed public office, in 1973, as alderman. Of course, as a member of municipal council, I guess I've seen positions of the borough upheld and not upheld at the OMB.

The OMB does have authority given to it, and the courts have held that there should be deference to municipal decisions, but the OMB is not bound by it. In any particular case, deference must be given to municipal decisions. The board must have regard for provincial policy statements, but the board with the current set-up has to take all matters into account and make its decision. In the capacity of the people in this room, you may feel that's not the proper approach, and that should be addressed. It's not for me to say. I think my position is one simply to ensure that all get a fair hearing, all parties, whether they're ordinary citizens, ratepayer groups, municipalities, the province of Ontario or land developers, and work within the framework that we have.

**Mr McMeekin:** My colleague has a supplemental question she wants to ask and then I'll come back.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Thank you. Good morning, Mr Johnson. You've made some statements with regard to your experience on the planning committee. You've spoken about the importance of land use issues. You've indicated that you believe that as a member of the OMB, when reviewing an issue before the OMB, you would consider a municipal decision, you would consider provincial policy, you would consider issues of land developers.

I just want to share with you a concern I have. I believe that the needs and the well-being of the people of the province need certainly to be a very key factor when you consider these decisions. I would like to refer specifically to a decision, a bylaw that was made by the city of Toronto. It was made because there was great concern by the elected officials with regard to access to affordable housing for the people in the city. They established a bylaw that would restrict the demolition of units that would be more affordable and that would not



be replaced as affordable units. The OMB struck down that decision.

The concern I have, sir, is that I believe the OMB needs to have, while they consider all of the policy issues, a very clear understanding of the needs of the people and what is good for all participants concerned. Certainly the well-being of developers is a consideration, but do we or does the OMB have the right to ignore the well-being of many for the well-being of a few?

I've very concerned when I learn about decisions of this nature, where I believe that very important issues—certainly an important issue in the city of Toronto is access to affordable housing, and it would appear that the decision made by the OMB did not consider that as a big part of that decision.

I was wondering if you could comment to me about where you place the well-being of the people who will be affected by decisions made by the OMB. You've indicated that municipal decisions are important, provincial policy, the well-being of land developers, but I need to know where the well-being of the people of the province factors in.

**Mr Johnson:** Ultimately, I think we're all here in this room to serve the people of the province of Ontario; and if the decisions that are made collectively are not, in terms of the well-being of the people of the province of Ontario, then perhaps the system needs to be changed.

You in your role have a certain role to play in terms of ensuring not only the well-being of your constituents but all of the people in the province of Ontario. The chair of the OMB, and the OMB in particular, has another role to play in that regard.

As I indicated, I firmly believe that all citizens should feel welcome, should feel that the OMB system is open and accessible to them, that they receive a fair hearing, that they're treated with respect. At the same time, it's expected that the OMB process is one that has to deal with certain issues, and people would be expected to speak to those issues at hand. At the end of the day, the OMB is charged with making decisions that respect good planning principles, that have deference to municipal decisions, that listen to people, anyone else who makes presentations, and have regard for the provincial policy statements. Hopefully, at the end of the day, those decisions will serve all the people in the province of Ontario. If not, then perhaps the system should be changed.

1020

The OMB, though, doesn't create policy. The OMB is an administrative tribunal. If the members of this Legislature feel the system isn't properly weighted, then perhaps that's something that should be addressed by the Legislature.

**The Chair:** Your time has expired. We now go to the third party.

**Ms Churley:** Good morning, Mr Johnson. Nice to see you again. Too bad you're not here any more to be getting the 42% raise that we may all be getting.

**Mr Johnson:** I don't think I'd better make a comment on that.

**Ms Churley:** No, I'm not asking a question on that.

I wanted to follow up, in fact, on a phrase you've used a couple of times now, and that is "have regard for" provincial policy. As you know, because you were part of the government, the Harris Tory government revoked the NDP's Planning Act reforms which said the OMB, municipalities and the province had to make planning decisions that were "consistent with"—you remember this—provincial policy. Your government changed that and watered it down to "have regard for," which is very different from "be consistent with." My view, and I've expressed this many times, is that it takes away a very strong tool that the OMB had.

Let's come back to the Oak Ridges moraine, which is a very difficult issue that the OMB has been grappling with. The province has laid out its position on the Oak Ridges moraine, a position that, on the face of it, is progressive environmentally. But many people fear, and I believe with some good reason, that the province is saying behind closed doors to the OMB to go ahead and rule for the developers.

I'm not suggesting, Mr Johnson, you would do that. But what I want to know is, given the fact that the tool which made it very clear that if a province has policy, and it's progressive environmental policy—when you've got a board that no longer has to make a decision that's "consistent with" provincial policy, you just have to "have regard for" that, I would like to know how much weight you would put on the province's written policies when you don't have to any more in decisions around, for instance, the Oak Ridges moraine.

**Mr Johnson:** It wouldn't be prudent for me to comment on any particular case. There is a hearing underway right now, as you're well aware, in terms of the Oak Ridges moraine, so I'm not going to comment specifically on that.

The phrase "be consistent with" was part of Bill 163, which the NDP government had passed and implemented, and Bill 20, I guess, was the bill that introduced "have regard to"—"to," I guess, is the proper preposition.

I don't know that I can give you an answer, because each and every case is different. There is a history there. I don't know how deeply to get into politics because this is not a political situation that I'm being considered for, so I guess I need to be very cautious. You will know that some municipalities expressed a desire to have more flexibility; perhaps not all. I don't know. But there were voices from municipalities that felt the phrase "have regard to" was one that would allow municipalities more flexibility, so that may have been part of the rationale back there.

Each case is different. The provincial policy statements are important; the local municipal position is important; the position of citizens and their groups is very important. They must all be considered. I've certainly had a history of that in East York in terms of listening to all of the above. Ultimately the OMB, with



the system that's in place, is charged with listening to all of these, taking all that into consideration, and making what it deems to be the best solution based on those voices and based on solid planning principles.

I think there was a case recently in Pickering where the citizens were very joyous at the outcome, and I guess there are other cases where people are not feeling that the proper decision was made.

**Ms Churley:** The issue around "be consistent with" as opposed to "have regard to" is based, as you know, on a two-year consultation across the province and the serious concerns many municipalities and people had about the paving over of our farmland and urban sprawl. Sometimes municipalities were making fairly bad decisions in the face of what we're dealing with around those issues.

I think I heard you say that you would take a province's position very seriously—I hope that's what I heard you say, anyway—even though you don't have to any more, that the work a province does, and then coming out with a policy, would be taken seriously.

I'm glad I heard you say a couple of times now that you will listen to people, that that would be taken into account as well. As you may know, during the OMB hearings in the King City case, board member Ron Emo said—and I'm paraphrasing—that he didn't care about public opinion when making a decision. Then the board proceeded to rule that King City's plan to provide sewage services sufficient to more than double its population could go ahead. As you know, that's a very huge, controversial issue as well.

I want to follow up on a couple of your statements about listening to the public and ask you, do you think public opinion should carry as much weight as all of the other factors you're dealing with when you're making a decision?

**Mr Johnson:** I think public input is very important and, yes, the provincial policy statements are very important and municipalities' positions are very important. I don't know how Mr McMeekin conducted council meetings in an area like Dundas—probably the same way—but ours were televised in East York. I remember instances where people would be watching, and the most interesting part was the public deputations, when citizens were coming forward and stating their cases.

Because East York is very compact, one night an individual who was watching on television got riled up by the proceedings, turned off his TV, hopped in his car, came down to the municipal office, came in and made a deputation on that very same issue. That's the way we can operate in East York. The OMB may not be able to operate quite the same way, but I felt delighted that we could involve citizens in that way. While the OMB will be different, I do believe citizens' input is very important.

**Ms Churley:** I just wanted to get at a little bit of your views on what good planning means to you, because some say the OMB only goes by the rule of law and I think you have somewhat alluded to that. I believe the OMB is expected to rule based on good planning as well. I'd like to ask you if you think good planning is in any

way a subjective exercise. After all, good planning for whom? For example, do you think compact urban form is good planning? Should cities be actively trying to discourage car use? Those kinds of issues, I believe, need to be taken into account by a good, effective OMB. Yes, you're following the rule of law, but it's also your job to look at good planning and the future impacts that your decisions are going to be making on our communities.

Can you give me a sense of what you believe your role is?

1030

**Mr Johnson:** Certainly I think good planning involves adverse impact on the surrounding community and neighbourhoods. Transportation issues are very much part of good planning. Compatibility of the proposed land use with the surrounding community—these are aspects of good planning. I'm sure, again, that Mr McMeekin's council would have considered the same kind of thing. The availability of local services—soft services, hard services—is part of good planning as well.

**Ms Churley:** A question that is really pertinent to my riding of south Riverdale, which I know you're very familiar with, and other inner areas in the city is, what do you think about the local retail strips, promoting those, even when it means saying no to a big-box retailer like Wal-Mart? We've had that kind of situation in south Riverdale. Small businesses are quite rightly concerned. I think that's going to become more and more of an issue in the inner city, that the big-box retailers are moving into our communities.

**Mr Johnson:** I would think primarily that would be the jurisdiction of the local council. I'm not sure it would be my position to have a position on that matter. If that was something the local citizens and the local council felt was important, then I think they should reflect that in terms of their planning, their zoning bylaws, official plans etc.

**Ms Churley:** You wouldn't anticipate something like that coming before the OMB?

**Mr Johnson:** Well, I suppose if it involved changes to the zoning bylaws or official plans to implement something like that, and if there were people who objected to that, then it could end up at the Ontario Municipal Board. The board would have to take into consideration the views of all the people and good planning principles etc and make an outcome, but I would hope that would be the kind of thing that could be dealt with successfully by local councils.

**The Chair:** Ms Churley, time goes by quickly when you're having a good time.

**Ms Churley:** It does. Thank you.

**The Chair:** Now the government caucus.

**Mr Wood:** Mr Johnson, thinking in terms of the simpler decisions the OMB makes, what do you think is a reasonable time frame between the time of first application to the board and a final decision being rendered by the board?

**Mr Johnson:** There are various time frames involved. I guess it depends on the magnitude of the application.



There were a couple of cases referred to here today. The Oak Ridges moraine, for example, is a little more complicated and one might expect a slightly longer period of time.

I will say that one of the most frustrating things for all parties, from my experience at the local level, is a situation where a case is not dealt with for an extended period of time. I think the OMB caseload is now being dealt with much more expeditiously, but when I was mayor there were instances where it was well over a year that some cases were taking to work their way through. This is uncertainty for all parties concerned, whether for or against it, and it's very nerve-racking.

I guess I would have to say that would be one of the issues that would have to be dealt with. We'd have to make sure that all the proper input is in, again, that people have the opportunity to speak, that it's accessible and understandable, but another word I would throw in there is "efficient." Matters need to be dealt with focused on the issues at hand; pre-hearing meetings, mediation attempts to resolve matters so that matters perhaps don't even have to go to a hearing and can be resolved without a hearing, or if they do go to a hearing, the pre-hearing meetings can focus them down to just what the issues are and they can be dealt with in a short period of time, perhaps 30 to 60 days type of thing.

There is a notification procedure, of course. That has to be made, so there's a period of time that has to elapse while that's being undertaken. Then beyond that, particularly the less intricate ones—variances, perhaps consents, that type of thing—should be dealt with very quickly.

**Mr Wood:** Could you condense that answer into a time frame for the simpler types of cases the board deals with?

**Mr Johnson:** After the notice procedure, within 30 days or so should be about par for the course.

**Mr Wood:** What about the more complicated cases that the board deals with? What do you think is a reasonable time frame after the notice periods?

**Mr Johnson:** There's quite a range of cases there. I'm not sure I can give you a number in that. One would hope that all the evidence could be collected and dealt with in an expeditious manner. The Oak Ridges hearing is underway right now, which will probably take place over the course of a year. That seems like a long period of time to me, but again I don't know all of the circumstances, so I really shouldn't comment in terms of if that's appropriate or not.

You have to make sure that everybody has the opportunity to get their input into the process. But if it can be focused, then I think the more intricate hearings should be able to be dealt with within 90 days, in general.

**Mr Wood:** Are you prepared to look at ways to make the current process more efficient?

**Mr Johnson:** Absolutely—some of the suggestions I made earlier, such as the pre-hearing approach to focus the issues, to determine exactly what needs to be discussed and mediation attempts to get the parties together.

Training is important for the members of the board so they have the ability to focus on the issues and understand what needs to be done.

I know the board is using telephone conferences in certain circumstances that may be appropriate. We are in a new electronic era. I don't know precisely how that or the Internet might affect the ability to conduct hearings through electronic means; I'm not sure. But I think, for the benefit of all, every opportunity should be taken to expedite matters, provided that people have a fair opportunity to give their input.

**Mr Wood:** Do you see an increased role for the electronic processing of information by the boards?

**Mr Johnson:** In the case of the Assessment Review Board, there is a possibility of entering appeals electronically, as I understand it, so that may be one example. I don't know what front-end processing could be done in terms of the OMB. Clearly we're in an era where we have opportunities through electronic means not only to expedite but to give more information to people, to make people better informed, and consequently, if they're better informed, to make them understand the process and be part of a process.

I think there's not only the ability to speed it up and perhaps be more cost-efficient but also to get people more involved in the process and to give them more information about what the issues are.

**Mr Wood:** What role do you see the chair having in monitoring the performance of the board members?

**Mr Johnson:** I believe the chair should play the key role in terms of determining the scheduling of the hearings and the members for those hearings. The chair of the board should play a key role in terms of appraising the productivity or the ability of the board members. The impression I have is that we have some very excellent board members, but no two people are created the same way and some people are more adept than others. Some people perhaps need more training. I think the chair should play a key role in determining those kinds of things. Those are a few examples.

**Mr Wood:** Those are my questions. Do we have any others? We'll waive the balance of our time.

1040

**The Chair:** We have heard questions from the three parties represented in this committee. Thank you very much, Mr Johnson, for being with us today.

**Mr Johnson:** Thank you.

**The Chair:** We will now give consideration to the appointment. I will accept a motion and any discussion.

**Mr Wood:** So moved.

**The Chair:** The motion that the appointment of David Johnson to the boards mentioned in here be concurred in by this committee has been made by Mr Wood. Any discussion?

**Mr Wood:** I'd like to say that I think Dave Johnson would do an excellent job as the chair of this board and I think we're very fortunate that he has agreed to take on this job. I think he'll do a lot of good things for the people of this province.



**Mr McMeekin:** I concur with the comment. If we're going to go in this direction, clearly Mr Johnson is an excellent choice, Mr Wood, so we would want that for the record.

**The Chair:** I am sure you will have that repeated in the Legislature.

**Mr McMeekin:** I'm sure we will. But with that caveat, I want to just say that, knowing the propensity of the government to quote honourable members opposite, if they would, as an act of basic decency, use a full quote. I'll just extend beyond that because, notwithstanding my respect for Mr Johnson, I do want to say for the record and say here on this record that if members opposite do want to quote me, I would appreciate the full quote.

I don't believe, and we're not convinced in the Liberal caucus, that this will make the system more efficient. Our fear is that this move out of municipal affairs will almost by definition, taking it to the Attorney General's area, tend to make this activity more litigious. We need to make activities less litigious. I think our caucus and certainly this particular member believe very strongly that there ought to be more emphasis on local democracy. I think Mr Johnson, although he is being careful, alluded to that in some aspects of his testimony before us this morning.

There's a paradox here which needs to be flagged. Some of the changes to the legislation which Ms Churley mentioned, and some subsequent changes, seemingly were designed to devolve more authority to democratically elected municipal councils. It hasn't always worked out that way. I think the key issue in Ontario is very much how we handle issues like urban sprawl and juxtapose that to what, again seemingly on the surface, is an enhanced emphasis on direct democracy. It occurs to me and to a number of municipal colleagues I've spoken with that this doesn't do the trick, notwithstanding the good work that Mr Wood attempted to do with his committee and his review.

I just want to flag that and again share the belief that if we're going in this direction, we need a good person there. Obviously, Mr Johnson comes with a lot of skills and maybe a little baggage too, but that's for another day.

I want to make those comments for the record. That having been said, it's our intent to support this appointment.

**The Chair:** Ms Churley.

**Ms Churley:** Thank you, Mr Chair. I'll bet if you weren't in the chair, you would have liked to ask Mr Johnson some questions as well, wouldn't you?

**The Chair:** I have to be neutral in the chair, of course.

**Ms Churley:** I know. With great regret, I will not be supporting the appointment of Mr Johnson. I've known Mr Johnson for a very long time. When he was the mayor of East York, I had a great deal of respect for the work he did in his community. However, although I believe Mr Johnson has a great deal of integrity, with his having been a minister within this existing government, I have concerns about his close ties to the government.

Given the concerns that I and the NDP have about the direction the province is going in terms of planning—paving over farmland at an unprecedented rate, urban sprawl and all of the environmental problems that entails—and also expressing the same concerns that Mr McMeekin expressed around the direction the board is going in, I presume for efficiency's sake, I have really grave concerns about that direction.

Having said all of that, I would like to see the chair of the board be somebody with not just a municipal background—admittedly Mr Johnson, I think, outshines us all here in terms of his municipal background—but with more of a planning background and environmental background, as well as a municipal background, at a time when we have some very serious cases before the board right now, and there will be more to come.

Regrettably at this time, given the kinds of challenges the OMB and indeed the province and municipalities are facing, I would prefer a person with a background in environmental planning and an understanding of the bigger picture, particularly given that the OMB has been let off the hook in some ways. Let me put it this way: a very strong tool they used to have when they had to have decisions consistent with provincial policy has now been taken away.

Regrettably and without any offence to Mr Johnson, I believe he's the wrong person for this job at this time.

**The Chair:** Any other comments by members of any of the parties? If not, I'll call for a vote on the motion.

All in favour? Opposed?

The motion is carried.

There being no further business before the committee that I am aware of, the committee is adjourned.

*The committee adjourned at 1047.*











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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 29 November 2000

# Journal des débats (Hansard)

Mercredi 29 novembre 2000

**Standing committee on  
government agencies**

Subcommittee reports

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapports du sous-comité

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 29 November 2000

Mercredi 29 novembre 2000

*The committee met at 1007 in room 228.*

**The Chair (Mr James J. Bradley):** I'd like to bring the meeting to order. I think all three parties are represented here and all members of the committee are present, so it gives us an opportunity to commence our proceedings.

## SUBCOMMITTEE REPORTS

**The Chair:** The first item on the agenda is the report of the subcommittee dated Thursday, November 16, 2000. Would someone like to move the subcommittee report?

**Mr Joseph Spina (Brampton Centre):** So moved.

**The Chair:** Mr Spina has moved it. All in favour? Opposed, if any? Carried.

The report of the subcommittee dated Thursday, November 23, 2000.

**Mr Spina:** So moved, Chair.

**The Chair:** Mr Spina again. All in favour? Opposed. The motion is carried.

We have a problem I will bring to the attention of the committee. Sometimes people inform the committee that they are unable to come before us at a specific time. We have an individual who was asked to appear before the committee whose name is Mr Richard Brassard. He's an intended appointee to the Muskoka, Nipissing, Parry Sound and Timiskaming Grant Review Team.

I want to get the direction of the committee in this regard. Mr Brassard cannot appear before the committee on December 6 as he is being sworn in as mayor in his community. He cannot appear on December 13, and the 30-day time limit for the committee to interview an intended appointee expires on December 17. Therefore, the committee can either provide unanimous consent to extend the deadline until the intended appointee can appear before the committee or choose to waive the interview and let the appointment go through. Mr Brassard has indicated he is unable to appear on December 20 as well. However, he would be able to appear sometime in January. It would take the unanimous consent of the committee to extend it.

As Chair, I find it difficult to function as a committee if people are able to simply—and I'm not saying it in this case. He probably has very legitimate reasons in each case. Being sworn in as mayor is certainly a very good reason on that occasion. But I think what can happen with our committee is that people can simply say, "I can't

be there; I can't be there," hoping that somehow the committee will then just relinquish its prerogative to have the person appear before the committee. So I look to direction from committee members.

**Mr Spina:** In view of the distance, and besides being the mayor, Mr Brassard is also a school principal, I can understand it being difficult, particularly at this time of year. I don't have any objection to his appearing before the committee so, rather than waive, I would seek unanimous consent to extend to January.

**The Chair:** All in favour of that? Shall we say to the end of January so that it doesn't go on forever—

**Mr Spina:** That's fair.

**The Chair:** —because the government will want to have him appear at some time.

**Mr Spina:** By January 30, then? Shall we qualify that?

**The Chair:** OK. All in favour of that? Carried.

Thank you very much for your direction on that.

## INTENDED APPOINTMENTS

## DONALD WEISS

Review of intended appointment, selected by official opposition party: Donald Weiss, intended appointee as chair, Ontario Public Service Pension Board.

**The Chair:** We have one appointee before us today. This is a half-hour review of intended appointments. The certificate was received on November 3, 2000, a selection of the official opposition party, Mr Donald Weiss, who is the intended appointee as chair, Ontario Public Service Pension Board.

Mr Weiss, would you like to come forward, please. As you have likely been informed, you have the opportunity to make an initial statement to the committee, offering any comments you wish. I invite you to do so now. Welcome to the committee.

**Mr Donald Weiss:** First of all I'd like to say that I'm very pleased and honoured to be here today as intended appointee for chairman of the Ontario Public Service Pension Board. I fully recognize the importance of the board's work to Ontarians and I'm very pleased to be considered for this position here today.

I hope to use this brief statement to demonstrate that I'm not only qualified for this position but that I'm ready to bring to it an extra measure of dedication and skill.



As you will see from my resumé, I have extensive experience with direct relevance to the pension fund industry. My 26 years in the financial services field began with Canada Permanent Mortgage Corp, followed by Morguard Trust Co, which was owned by five large Canadian pension funds. Morguard Trust provided origination, underwriting and administration of mortgage services to the Canadian pension fund industry, as well as secondary market trading and management of two mortgage investment corporations which were also owned by Canadian pension funds.

My tenure there, during which I rose to the position of president and CEO, was an excellent training ground for understanding the opportunities and challenges that are met by the pension fund industry. I was responsible for the full operations of the trust company and played a key role in the design and launch of Morguard Bank of Canada. I managed an organization of 180 employees, with \$4 billion in assets under administration, and we achieved up to about \$600 million a year in loans origination along the way.

My work experience also extended to other areas of investment. For three years I worked with development concepts for a real estate development consulting company. We worked with private companies, institutions and government agencies on assignments ranging from the transportation industry to tourism, and retail, commercial, office and warehouse developments.

This position capped more than a quarter century in the financial services field, and along the way I learned a tremendous amount about real estate, finance, investment, the investment industry and the role played by pension funds in that particular area.

Following this, in 1992 I became executive director of the PC Ontario Fund. As a result, I gained significant experience in direct mail marketing, individual and corporate fundraising, as well as an excellent insight into the workings of government. In addition, I became a member of the Ontario Pension Board in March 2000, and I have served on the investment committee, and on the human resource, audit and pension policy committees of the board as well.

I've had a varied career and each position has demanded responsibility, prudent decision-making and the delivery of services to the highest quality to customers and clients. I think I've met these challenges with optimism for the future, tempered with a realistic attitude about the present and with a knowledge of the past.

These are the qualities I bring before the committee today. I see a vibrant economy in Ontario and across Canada and good opportunities abroad. I'm optimistic that the Ontario Pension Board can meet its goals by securing reasonable returns with minimum risk. But I also see the challenges presented by today's stock markets and by the constantly changing environment. I know that the Ontario Pension Board has navigated this environment extensively in the past and I'm confident it will meet its future challenges with the same amount of confidence.

I would take it as an honour to be a leading hand to help ensure that the Ontario Pension Board continues to meet its objectives and the challenges of the future. What the board does is serious business and I'm prepared to offer all my knowledge and skill I have acquired and to fulfill my responsibilities with dedication to the best interests of the board, the pensioners, the contributors and the employers that it serves. Thank you for your consideration.

**The Chair:** Thank you very much, sir. We'll start with the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Mr Weiss, good morning. When I had the opportunity to review the material that was provided to us, I certainly noted with interest your involvement with the PC Ontario Fund. You've indicated in your opening comments that that experience has provided you with excellent insight into the workings of government. Would you have an opinion in terms of the advantage that this government has enjoyed by being able to access the significant number of dollars that they have from this pension fund?

**Mr Weiss:** That the government has accessed?

**Mrs Dombrowsky:** That the fund has provided for the province by way of debenture.

**Mr Weiss:** Please, can I have that question again?

**Mrs Dombrowsky:** Essentially the government is borrowing from this fund, is that not the case?

**Mr Weiss:** There are existing debentures outstanding, yes, that have existed for quite a number of years.

**Mrs Dombrowsky:** Yes, and continue to exist.

**Mr Weiss:** Yes, there's a portfolio of those that still exist.

**Mrs Dombrowsky:** Over 30% of—

**Mr Weiss:** Of the fund, that's correct.

**Mrs Dombrowsky:** Obviously, there is some significant advantage to the government that it is able to access this fund at a very reasonable rate of interest.

**Mr Weiss:** I don't have the exact date. These bonds were put in place quite a few years back and they are not currently, I don't think—since 1990 the government has not borrowed essentially from the public service pension plan. These bonds are slowly being amortized out and I believe that by 2014 they will be all gone.

**Mrs Dombrowsky:** You've indicated in a statement, I believe it was in March, with regard to the investment policy of this board, that it has—your words were that “it speaks to a conservative approach to investment. It's not heavily weighted in some of what might be considered the higher-risk areas.” You think it meets the needs of the people, yet if you review the performance, certainly least year, it is significantly lower than what has been enjoyed in other markets. Would you have a comment on that? Do you continue to maintain that this conservative approach is really in the better interests of the people who participate in the fund?

**Mr Weiss:** Yes, the returns in the fund, if you look at it over the last 10 years, are in the range of 11.79%, I believe. The returns are certainly going to move around



with markets. As you're invested in equities and bonds, your returns are going to move around from year to year.

The objective of the Ontario Pension Board to meet its actuarial needs is to achieve a 3.5% real return. Our objective that we put to our external managers of our money is set at 4.5% real return. With that, we have been consistently able to exceed our actuarial needs. By example, in 1990, when the unfunded liability was established for the fund, which was the responsibility of the government, it was established at \$2.5 billion. The game plan at that time, in 1990, was to amortize this over 40 years and take this pension fund up to a funded position over the 40 years. A surplus position of \$335 million was achieved in 1999—it was achieved in the year 2000, as opposed to 2029, which would be 40 years from 1990, significantly earlier. So the actuarial needs of the fund to meet the pension benefits that have been put out there are more than adequately being met.

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**Mrs Dombrowsky:** Perhaps I was not clear. Do you have any comment about the fact that the fund performed lower than most other funds in the market?

**Mr Weiss:** The investment policy of the Ontario Pension Board is not going to be identical to other pension funds. Each pension fund certainly has its own investment policy. The policy of the Ontario Pension Board has been for many years to obtain a reasonable return with a minimum amount of risk. The nature of the fund itself and the fact that you have 24,000 members contributing to this plan and 39,000 pensioners create a different dynamic when you look at the fund. It certainly looks quite different from many other funds. In fact, it is quite unique that way.

The approach of establishing a conservative investment policy as it pertains to this fund is something that management over the years has adhered to. It is the policy of the fund today and I think it is a very sound one. I don't think you can look at the returns in any one particular year. If you look in 1999, there were some funds that outperformed the Ontario Pension Board, but I think if you look at the 10-year returns and compare the fund, you'll find that the Ontario Pension Board has performed very well relative to what you may consider the other pension funds in the industry. It's more than met its objectives in terms of returns and has created a surplus much ahead of when it was originally anticipated.

**Mr Tony Martin (Sault Ste Marie):** Thanks for coming today, Mr Weiss. Now that you're being appointed to this fund to manage and to chair it—and there's no doubt that will probably happen here today—have you severed completely all ties with the PC Ontario Fund?

**Mr Weiss:** I will be severing all ties with the PC Ontario Fund on December 31. I am employed there at the present time. I do not have a position there. I'm just assisting with the new management to become acquainted with the operations of the fund.

**Mr Martin:** Why would you have made this jump from the PC Ontario Fund to the pension fund?

**Mr Weiss:** If you look at my history, I have a keen interest in this particular industry. I've always enjoyed it;

I've always had aspirations to continue to be involved in the financial services and investment industry. I have been employed with the PC Ontario Fund for nearly nine years and this opportunity represents a change for me. I think it very much meets my particular needs in terms of what I would like to do and what I would like to contribute to industry.

**Mr Martin:** When the fund was changed to its present mandate and direction, it was done at that time to make sure there was an arm's-length relationship where government is concerned. Given your obvious political affiliation and connections and what you've done for the last few years, do you see any reason why any of us should worry that now, with a more direct link between the government and this fund, that arm's-length relationship might change in some fashion, manner or way?

**Mr Weiss:** No, absolutely not. If you look at my track record and my approach to business and to the responsibilities that I've undertaken in my history, I've always been able to separate that kind of issue and I expect to do the same on the Ontario Pension Board.

**Mr Martin:** Along that same line, you'll understand that there may be some anxiety out there among some of the plan members who happen to be part of very well-known and large unions whose management is the Ontario government, and the obvious antipathy that exists there, the major downsizing that has happened and the contracting out of a lot of the work that government does now. Do you see any reason that OPSEU should be concerned that we now have overseeing that fund that's so important to them in terms of their future somebody who is so readily connected with a government that is so ideologically opposed to the very strong presence of organized labour in the economy of this province, and particularly where the delivery of government services is concerned?

**Mr Weiss:** Again, I would come back to this. If I look at the history of the Ontario Pension Board, Bill Somerville, who has been chairman for 11 years, was appointed by the Liberal government at the time, and I think Bill has just done an outstanding job and performed exceptionally well. Those kinds of concerns that you've expressed, I suspect, could have been expressed in 1990 at the time that Bill was appointed, and none of those things have ever been realized.

**Mr Martin:** You'll agree that the environment at that time with that particular government and the subsequent New Democrat government was not of the same depth of feeling re the antipathy that exists between government and organized labour these days.

But going beyond that, as you indicated earlier, there are now significantly more pensioners than there are contributors in this plan. The old debate is going on out there in the private sector around who actually owns the pension plan and who should the surplus accrue to in terms of benefits. In this instance so far with this plan, any surplus has been recognized as needing to accrue to the members because the contribution has been reduced, and in some public sector pension scenarios there has actually been a holiday given. What's your view, per-



sonally, given that you've managed funds before, re the question of who surpluses in pension plans belong to?

**Mr Weiss:** As you know, the public service pension plan was split. There is the OPSEU pension plan, which the chair of the Ontario Pension Board has no responsibility for. The deal they have with the government, as opposed to the Ontario Pension Board, is different. The government does guarantee the Ontario public service pension plan 100% and the surpluses accrue to the government, if they are there. With the OPSEU, it's a 50-50 split. So there's a difference.

Each plan has different characteristics and has to be looked at individually, depending on what circumstances surround it. In terms of what should be done with the surplus, again, what has been agreed upon, of course, is what should be carried out. In our case, the government does guarantee it 100% and does receive the surplus as a result of their guarantee.

1030

**Mr Martin:** I'm sorry. The government receives the surplus, is that what you're saying?

**Mr Weiss:** Yes. Now with the creation of the surplus, we've reduced contributions in the fund to take care of all the surplus, so the benefit is accruing to members as well as government.

**Mr Martin:** You'll understand that the workers, the members of these plans, see it a little differently in that they feel that any contribution to a pension plan is deferred wages. They sit down and they negotiate a package that speaks to direct remuneration by way of their wages, a benefit package and then a pension plan. You don't get as much over here because you're putting in over here. They, I think rightfully, have some concern that any surpluses that are generated might not accrue to benefit to them and to members out there who are no longer active in the workplace but are dependent on this.

Do you see a scenario down the road, given this government's attitude toward workers, and particularly workers who belong to organized workplaces, where that surplus might just totally be taken by government to use as it wills because it's, on the other hand, giving away a lot of the money that it's getting by way the taxes that it imposes?

**Mr Weiss:** I can't comment on the actions of the government, but I think that they certainly will look at those issues of surpluses within pension funds in a very fair and equitable way. I have no reason to believe otherwise.

**Mr Martin:** You don't think that the relationship they have had with you over the last few years in your role as head of the PC fund would influence you in any way, that they would have any control over you in decisions that you might make or drive through the board around the question of where those surpluses go?

**Mr Weiss:** Again, my own personal perspective, if you're asking me that question, leans toward a fair and equitable treatment of surpluses. I don't really have a strong opinion one way or the other or a defined position on that issue.

**The Chair:** Thank you very much. Your time has expired, Mr Martin. We now have the government caucus.

**Mr R. Gary Stewart (Peterborough):** Just a couple of comments. I would like clarification, if you could. Did you say there had been nothing borrowed from that fund by government since 1990?

**Mr Weiss:** To my knowledge, they haven't been purchased since 1990, but I'm not 100% certain of that. In recent years, there has been no active purchase of government bonds by the pension board, at least to my knowledge and to the information that I have seen up to this point in time, as a member of the board. There is no anticipation of acquiring future bonds in the investment approach and plan used by the fund at present.

**Mr Stewart:** Had it been used by previous governments fairly regularly?

**Mr Weiss:** Again, if you go back to the fund, which had its origination in 1920, I don't have a history of what acquisitions of government bonds were made by the fund historically. I really don't have the information.

**Mr Stewart:** It was just kind of interesting to see when there seems to be some concern from the opposition parties that we would have to be concerned about this government and the relationship with you.

I just want to make one comment. Certainly when I look at your credentials, whether it be through the Morguard Trust or the Canada Permanent Mortgage Corp, I think they are impeccable for this particular job. I look at what you've done to manage the funds of the PC Ontario fund and I think it stands you in great stead to do this job. Yes, there are lots of investments out there that you could make a few more dollars at. We all know that and I think we've all been burned a little bit by them at one time or another. I think the people you represent, the workers who have been referred to, are those who want confidence that you are getting a good return with relatively minimum risk. I think that's what they want. Money says a lot of things these days. I think the workers who, it's been suggested, may not support your appointment know their money's being invested well and looked after in a fair and equitable fashion.

Certainly myself and most of the members of our party are more than pleased to support this appointment for you, and I wish you the very best.

**Mr Spina:** Just one short comment, Mr Weiss. Thank you for coming forward. On the record, I want to thank you for the work you did in taking a party fund that was in a deficit situation right through to the current status that it is today.

**The Chair:** Do you have any knowledge of the status you would like to share with the committee, Mr Spina?

**Mr Spina:** Clearly it's in the black, but it allowed us as a party to do what we were able to do in terms of governing. If that is a small demonstration of a turnaround, then certainly with a good, solid fund I have no qualms about your being able to steer that ship well into the future.

There is one other little crossover I'm going to relate to. We both worked for a man named Harold Deason.



Anybody who has the integrity and the knowledge of Harold Deason in the financial world I certainly have a great deal of respect for, and I certainly will be supporting your appointment.

**The Chair:** Are there any other members of the government caucus who wish to direct questions? If not, we will terminate this portion. Thank you very much, Mr Weiss, for appearing before the committee.

We will now deal with the intended appointment. Is there a motion you wish to make, Mr Spina?

**Mr Spina:** I move concurrence in the appointment of Mr Weiss.

**The Chair:** Any discussion? We have a motion. Mr Martin, you wished to speak?

**Mr Martin:** Regardless of the credentials and the long and successful career of Mr Weiss, I will not be able to support this appointment, given that this pension fund, when it was changed over by the Peterson government, was very definitely seen to need to have an arm's-length relationship with government.

Given the reality of surpluses in pension funds that we've seen over the last five to 10 years and the very difficult discussion that ensues around who in fact owns those surpluses and how those surpluses should be used, I think it's imperative that we have somebody at the head of this board who is totally and completely neutral where the government is concerned and where the members are concerned, so that good decisions are made and driven that recognize the fairness and the equity in all of this. I don't think appointing somebody who is so obviously connected to the governing party at this time is going to do that for us.

1040

Just a couple of other points to let you know why I am concerned re the question of the surplus. It's because of the drive by this government to turn everything into, if not a private sector operation, then something that models on the private sector.

My experience dealing with a number of older workers in my own community who have been restructured in non-organized workplaces and the question of what their severance package should be or could be or is leaves me very troubled. In most instances, workers who are let go at an older age usually get whatever they're legally entitled to by way of the legislation and the severance package. In most instances they get what they've contributed to the fund over the years. In some instances they get what the company itself has contributed; oftentimes not the whole lump. But very, very seldom—as a matter of fact, I haven't seen yet in terms of people who have presented in my office a situation where any recognition at all was given to the very generous interest that was earned over the years of the investment of that money, the surplus.

They're taken in in a very sort of clandestine way. They have no idea that this layoff is coming. They're brought into an office. They're told, "Here's the package." It's explained in a very quick and curt fashion. This person, who was initially shocked to begin with, doesn't really have the background or the expertise to question

the portions of that package and whether at the end of the day there is any recognition of the interest that's been accrued over the years or the surplus that's been generated by way of that pension fund. They're told, "This is it." If they question or decide they'd like to go back and get some further advice from perhaps a family member or another colleague or even a financial adviser or lawyer, they're told that that package shrinks significantly. "It's here today. If you wait a week, it will be here, and if you wait three weeks, it'll be here. If you give us any real trouble—for example, bring a lawyer to the table—we'll see you in court and chances are you won't see this payout for quite some time."

I guess it's that attitude working its way into these other pension funds that up until now have been dealing, yes, in a fair and equitable fashion with their members and their retired members in terms of the fixed amount they get—and every now and again there's a recognition that there's a need to index for inflation. But if we go slowly but surely, by stealth, by way of appointment of somebody who shares your ideology, which is that everything private sector is good and everything public sector is bad, eventually this attitude will present itself. I would suggest that there are some people perhaps around this table here today who belong to OPSEU who should be very nervous about this appointment and what it indicates and signals by way of, down the line, what may turn out to be the case.

This government is going to be desperate for money in the next two or three or four years as it continues to give away taxes to people who we suggest, as you know, really don't need it. The term "fair and equitable" was used here this morning on a couple of occasions. We understand, particularly those of us on the opposition benches, what this government means when it says "fair and equitable." We saw that when it came to how they've dealt with, and continue to deal with, those who are our most marginalized and vulnerable out there. One of the first decisions made by this government was to take 22% out of the income of those folks, seemingly not recognizing that the money that goes to people on assistance in this province primarily works its way into food and clothing and shelter for children, not to speak of the contribution it makes to local economies as these people spend that money in small and medium-sized corner stores and clothing stores and grocery stores.

With that, I am saying that this morning I will very definitely not be supporting this appointment and I will be speaking on behalf of my caucus as I do that.

**Mrs Dombrowsky:** I will not be able to support this appointment either. It has been indicated very clearly that the candidate brings some qualities to this role that I'm sure would be of great value. However, as my colleague has indicated earlier, this board was established as an arm's-length agency. I think optics are very important. I think for those members of this board to understand that an individual who has had such close ties to the party that is now the government—I would be very concerned that this appointment would prevent the membership from viewing this board as an arm's-length agency, but very

definitely as a very connected arm of the government. So for that reason I will not be able to support this appointment either.

**The Chair:** Any other comments? If not, I'll put the motion.

**Mr Bert Johnson (Perth-Middlesex):** Mr Chair, I wonder if I could request a recorded vote.

**The Chair:** Yes, you certainly may. We'll have a recorded vote.

#### **Ayes**

Johnson, Kells, Spina, Stewart.

#### **Nays**

Dombrowsky, Martin.

**The Chair:** The motion is carried.

There is no further business for the committee, so I'll be needing—

**Mr Spina:** I move adjournment.

**The Chair:** All in favour? Carried.

*The committee adjourned at 1046.*











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**Assemblée législative  
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(Hansard)**

**Wednesday 13 December 2000**

**Journal  
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**Mercredi 13 décembre 2000**

**Standing committee on  
government agencies**

**Intended appointments**

**Comité permanent des  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 13 December 2000

Mercredi 13 décembre 2000

*The committee met at 1005 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** We are going to bring this meeting to order. We have, first of all, the report of the subcommittee dated Thursday, December 7, 2000.

**Mr Bob Wood (London West):** I move its adoption.

**The Chair:** Moved by Mr Wood. All in favour? Opposed, if any? The motion is carried.

## INTENDED APPOINTMENT

## CHRIS TRIANTAFILOPOULOS

Review of intended appointment, selected by official opposition party: Chris Triantafilopoulos, intended appointee as member, Social Benefits Tribunal.

**The Chair:** Under our appointments review today is a half-hour review of intended appointments from the certificate received on November 17, 2000, selection of the official opposition party, an intended appointee as member of the Social Benefits Tribunal. It is Chris Triantafilopoulos. Would you come forward please, sir.

I will inform you, as you may or may not know, that you have an opportunity to make an initial statement should you see fit. After that, we commence the questioning, 10 minutes from each of the political parties represented around this table. If you'd like to have your opening statement, we'd be pleased to hear from you.

**Mr Chris Triantafilopoulos:** Good morning. I would like to thank the members of the committee for this opportunity to appear before you and answer any questions you may have for me. At this time, I would like to tell you a little more about my work and life experience, which I believe have prepared me for this very important opportunity.

Throughout my life I have been in the business of caring for and understanding the needs of people. I have dealt with a variety of people from different social, economic and ethnic backgrounds. This has been an educational process that has allowed me to learn that each person has his or her own specific and unique needs and issues.

My early work as a psychiatric assistant at the Scarborough General Hospital was very similar in nature to what I believe I will have to do as a member of the Social

Benefits Tribunal. It involved sitting down with patients, listening to a variety of problems, gathering all their information, whether it be fact or the truth as they perceived it, and evaluating the patient's history as it related to the doctors' reports and the nurses' notes. With this I would formulate a solution and lifestyle plan which the patient could follow and move forward with.

In this position I was required to hold group therapy sessions while I led discussions and listened to a wide variety of problems. This enabled me to listen and learn to understand the issues from all sides, giving me the ability to make the best-informed decisions possible.

Throughout my work experience as a games consultant and games manager in the charity casinos, I dealt with people from all walks of life and different backgrounds. The charity casino gaming industry was found throughout every community in Ontario. The industry's workforce came from a socio-economic spectrum. My workforce consisted of bank managers, chemistry professors, engineers, teachers, students and new immigrants, among others.

Throughout this casino experience, I had to resolve disputes by applying the rules and guidelines that were set out by the gaming commission. I handled several disputes between customers and dealers and between staff members. Although these charity casinos were only mini-versions of the real thing, the industry was a multi-million-dollar business. My responsibility was to follow ministry guidelines, maintain good customer service, maintain harmony among the staff and customers and, of course, run a profitable enterprise. It was a very challenging position, and I was able to work under circumstances that were very high pressure. I managed to excel at this challenge.

My most recent experience has been with Federal Express Canada. Federal Express puts people first. This not only includes customers but employees as well. No matter their particular problem, the company believes everyone can be rehabilitated. In my supervisory role, I have dealt with individuals with various drug and alcohol problems. These employees were given a lot of support within the company to deal with their unfortunate situations. Through rehabilitation and education these were eventually resolved.

1010

I am very impressed that a large employer has a corporate philosophy to put people first. It proves to me that



any large institution can do so, whether it be a business or a government.

The last area I would like to tell you about relates to my involvement with football in the province of Ontario. I have been both a coach and player for the past 30 years. During this time, I have been involved in the operation and management of several football leagues and tournaments. I currently coach a men's and women's touch football team. During the past 10 years I have been on the board of directors of Football Ontario. I also served as vice-president and chair of youth football for Ontario.

I am currently vice-president and chair of the tournament committee in the province of Ontario. These tournaments bring together thousands of people throughout Canada. The mandate of the tournament committee is wide-ranging. My responsibilities include negotiating contracts with all potential tournament hosts, providing field and safety inspections, enforcing the rules and guidelines of Football Ontario, dealing with eligibility concerns, as well as chairing the discipline committee during tournaments.

As chair of these committees, it has given me great insight into handling disputes. It has taught me how to listen to all parties involved and to render an impartial decision at hearings. By doing this I am able to make an objective and, I trust, fair decision for the disputing parties. An example of this: on more than one occasion in the past I have suspended players from my own team. This has demonstrated to my peers and other colleagues my ability to render an impartial decision based on the facts presented to me. I know that I will be able to draw on these experiences as a member of the Social Benefits Tribunal.

I have learned through my experience to organize the facts and make decisions based on the rules and guidelines of the applicable legislation. I have listened sympathetically to individuals who have difficulty expressing their views. I have been able to sift through the facts and apply common sense in making a decision where there have been strong differences of opinion between the parties. I have mediated and negotiated an acceptable solution.

In the future, I hope to bring to the Social Benefits Tribunal the ability to listen and gather the relevant facts and make sound, constructive decisions based on the law to benefit the people of Ontario. I consider this a great honour and opportunity to serve. Thank you.

**The Chair:** Thank you. We will begin the questioning with the New Democratic Party, the third party.

**Mr Tony Martin (Sault Ste Marie):** Thanks for coming today. I looked over your resumé and I just listened to your presentation here today, and I'm still not able to make a connection between anything that you've done professionally or in a volunteer way that would prepare you for the very important and difficult work that you will be asked to do as part of this tribunal.

Perhaps you can help me a bit more. Have you done anything of a volunteer nature, other than your football experience, that would help you understand the very

complicated and difficult circumstances that you'll have to sit and make judgment about once you get this appointment? There's nothing in your professional life that I can see here, other than you've talked about addictions and this kind of thing and making decisions as a football coach to cut people from your team. I would suggest that it's not quite the same.

**Mr Triantafilopoulos:** If you followed my opening statement, my work experience at Scarborough General Hospital dealing with psychiatric patients I believe is directly related. A lot of the problems are similar. You have people with great depression. We had an individual who had fallen off a ladder at work and hurt his back and no one could find out what his problem was. The best that the psychiatrist could do at the time was diagnose him as being depressed, but he didn't see him as being physically handicapped, and he was being cut off his benefits as well. I can see a lot of my work experience at the time being very similar to what I'd be expected to do.

**Mr Martin:** I wouldn't argue with you that there are people in receipt of assistance in this province who are unhealthy, who have mental health problems, and there are people on assistance, I'm sure, because there are people in every profession, who are afflicted with addictions of various sorts. But I would suggest to you that the majority of people in receipt of assistance across this province are ordinary people like you and me who are down on their luck for a period of time, something has happened and they need government to work with them to get them through this so they get on with their lives eventually. That can be quite challenging. Decisions are being made now at a community level, based on some of the very narrow criteria this government has laid down over the last five or six years, that cut them off completely, and you're being asked, as sort of the arbiter in those circumstances, to lend some understanding and support.

What in your background, other than the psychiatric experience—and I would suggest to you that not all of the folks coming before you will have psychiatric problems—would give me any comfort to actually agree this morning to your appointment to this tribunal?

**Mr Triantafilopoulos:** I don't know if you know the scope of what Football Ontario does throughout the province, but we deal with over 10,000 people in Ontario. Through running my youth programs and running tournaments throughout the province and the country, I've had the opportunity and good experience to deal with a variety of people. A couple in the past who actually played for me had severe drug problems. Two of them ended up being addicted to crack cocaine. As a friend, I ended up helping them tremendously, mentoring and taking them to rehab and making sure they got the help they needed.

**Mr Martin:** I guess I'm just having a difficult time making the connection. I do understand that this government is now on a track which is assuming, before anything else, that people who are on assistance and who've been on it for a while have some kind of an addiction problem. I suggest to you, from the people I deal with in



my office on a daily basis back in my community, that that in fact is not the case, that they're simply down on their luck and looking for some assistance to get them through a bumpy part in their lives. But it seems this government continues to make it more and more difficult, and the only hope we have in many instances that we will get some assistance for some families—most of the people on welfare these days who are dependent on the welfare cheque are children—is that we have somebody on these tribunals who has a broad range of experience and understanding and will bring to the table some insight that will help us make sure there's nobody out there left hungry or unhoused or with less than adequate clothing.

For example, and I want your opinion on this, what you would decide, this government has chosen to drop the spouse-in-the-house rule. Do you understand what I'm talking about?

**Mr Triantafilopoulos:** I'm familiar with it.

**Mr Martin:** They decided to drop the spouse-in-the-house rule, for example. That move by this government has been found to be contrary to the Charter of Rights, and two courts have now decided that that in fact is the case. But this government continues to plough right along and send out directives to its various offices that they should ignore that and continue to cut people off that they find living with a spouse. What would your position be in that kind of circumstance, where somebody comes before you, they're caught in this spouse-in-the-house rule debacle, the courts of the land have decided that it's against the Charter of Rights, and yet this government moves ahead anyway and continues to apply that?

**Mr Triantafilopoulos:** Unfortunately, my personal beliefs on that particular subject—I'd have to wait for the Legislature to pass law. I'm sure I would be bound by guidelines and the law of the present legislation. I wouldn't be able to make a decision on something like that myself.

1020

**Mr Martin:** In my view, tribunals are the group that, where there's a difference of opinion between an applicant and their representative, sometimes it's us in this place, and the local office—and in this instance we have a court that has decided one thing and a government that's bound and determined to do something else. You are being asked to decide whether this family will have food to put on the table tomorrow or not. I'm wondering where you will come down ultimately when that kind of scenario is put in front of you. Will it be strictly, "I'm here to do the bidding of the government," or are you there actually as a real arbiter to look at all of the pieces of the case and make an intelligent, compassionate and caring decision? Or would you, as you suggest, simply be guided by the rules and regulations you have in front of you?

**Mr Triantafilopoulos:** I'd like to think so. I'd like to think I have the compassion, the know-how and the ability to do what's best for the people of Ontario.

**Mr Martin:** Why did you decide to apply for this position, when you really have, in my view, absolutely no background whatsoever, no track record of volunteer activity with any groups that would have any knowledge of the difficulties being faced in this province by way of poverty?

**Mr Triantafilopoulos:** I've always been interested in community and social services. I would disagree with you that I have no experience. I could go on about people I've met through my experiences. One was directly related to the spouse in the house, a situation and a family I dealt with with a close friend of mine where there was a mother and six children living in the house. There were on and off situations where there were men coming in and out of her life. I've seen it. I can't make a decision on it because their situation would be totally separate and specific to their situation. I don't know enough about what the government has said to make an educated decision on something like that.

**Mr Martin:** Do you know what people make now? Do you know what the levels of benefits are for people on assistance?

**Mr Triantafilopoulos:** Yes, I've read the literature on it. I couldn't quote it off the top of my head, but I have it.

**Mr Martin:** Do you think that's a liveable income for anybody?

**Mr Triantafilopoulos:** I can't comment on something like that, that I haven't experienced myself. Like I said, I've seen this one family, a mother and six children, although most of them were grown, which was doing quite well. I don't know what exactly she got from her kids, but she seemed to be getting by.

**The Chair:** Thank you Mr Martin. The government caucus?

**Mr Wood:** We'll waive our time.

**The Chair:** The government has waived its time. We go to the official opposition.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Good morning. Thank you very much for being here. I want to pursue a little further your interest in this position. How did the appointment come about? Did you seek it or did someone contact you and offer it to you?

**Mr Triantafilopoulos:** Originally I applied with the gaming commission. A position came up to be a manager, involved with First Nations. They sent me a letter with some contact names on it. They said they'd call me, but I just kept pursuing. The girl I talked to there—I'm not sure of her name—asked me if I had tried some of the other ministries. She mentioned that there might be something there, so I ended up contacting the minister's office and talking to—I can't remember who there. I asked her if I could forward my resumé and they said, "Sure." Somebody contacted me from there and I came in for an interview.

**Mr Gravelle:** That is pretty interesting. It's a bit unusual, too. In essence, you were actually trying to get a job with the gaming commission. It's quite a jump to go from the gaming commission, it seems to me, to the Social Benefits Tribunal.



**Mr Triantafilopoulos:** I wasn't really trying at the time, because I was working. But if I see something that interests me, I take a shot at it and see what they have to offer.

**Mr Gravelle:** May I ask you, sir, if you are a member of any political party?

**Mr Triantafilopoulos:** No, I'm not.

**Mr Gravelle:** You're not. OK. At neither the provincial nor the federal level, I take it?

**Mr Triantafilopoulos:** No.

**Mr Gravelle:** I want to pursue your thoughts—you made reference to discovering an athlete you were supervising who you found out was on crack cocaine, and you managed to find a way to get some help for him. That leads us to one of the issues that's pretty interesting right now with the ministry, which is the very strong push toward mandatory drug testing that the minister announced in the House a couple of weeks ago, which we happen to think is very wrong and a contravention of the Human Rights Code. Mr Norton himself has made that clear. I'd love to know your thoughts on that in terms of mandatory drug testing for people on social assistance.

**Mr Triantafilopoulos:** I haven't really thought about it too much. I just leave that to what the Legislature decides and the guidelines they might want to follow. I really haven't drawn an opinion on it one way or the other.

**Mr Gravelle:** But I think it's a fair question to ask. You are going to be in an extremely delicate position. One would hope you would be looking at the people you're dealing with with great compassion. You've expressed the thought that you will be that way. It's hard to imagine you wouldn't have any opinions on this. I think it's fair game to ask what your thoughts are. There are other questions in that regard, but surely you've drawn some conclusions about that. I think that's important to ask you.

**Mr Triantafilopoulos:** To be quite honest, the first time I heard about it was when it came out in the papers. I didn't form an opinion on it one way or the other. I really hadn't thought about how someone could implement something like that or whether it was right or wrong. I really didn't decide on it. On policy issues, we could talk for hours and—

**Mr Gravelle:** We've only got 10 minutes; that's why I wanted to ask you. Obviously it's important for all of us to know what your feelings are in relation to a number of issues that relate to policy, because that may have an impact on some of your decision-making, I would think.

**Mr Triantafilopoulos:** The way I see my job on the Social Benefits Tribunal is basically to decide—I must follow guidelines, I must follow the law, whatever the Legislature decides. I can't go against something the government decides. I find it very hard to draw—

**Mr Gravelle:** You don't view yourself as having any discretion. Is that what you're saying?

**Mr Triantafilopoulos:** Well, if the government of Ontario makes a law that's been passed by a majority, I don't think I could arbitrarily decide that my views are

different and my discretion is better than the people of Ontario.

**Mr Gravelle:** But I do think it's fair game for us to ask for your opinion and your thoughts of a personal nature. There's an extraordinarily long backlog in terms of people who are waiting to get their appeals before the Social Benefits Tribunal, and for many of these people it makes a huge difference in their lives whether they're going to get it or not. This backlog is another issue I'd like your thoughts on. I just think it's fair game to ask you.

Have you had a briefing from the ministry? Did they give you a briefing beforehand in terms of your session here today, to give you some assistance in advance?

**Mr Triantafilopoulos:** Briefly, yesterday. I was surprised at the whole process. I thought once I had the interview, if I did well in the interview, I might get a second interview. When someone called me and told me about this, this was totally a surprise to me. I didn't know how the whole thing worked. I just thought I was applying for a job.

**Mr Gravelle:** Yes, this is the dreadful part.

**Mr Triantafilopoulos:** Oh, no, I don't find it dreadful. I just thought I was applying for a job. I didn't realize it was—

**Mr Gravelle:** This is a very important part of the process, particularly for a position such as this. It is important that we have your opinion. The reason I asked you about whether you were briefed in advance or not is that I have a suspicion that perhaps they would have said, "This is the way you should view the job. It's a job where we have legislation and you simply follow the rules." They probably told you not to express your personal point of view about any of the issues you might be asked about. Is that a fair characterization of what happened at the briefing?

**Mr Triantafilopoulos:** Not exactly. I just find that I have a hard time expressing my personal opinions on the law when I don't fully understand a lot of the policies that are out there.

**Mr Gravelle:** This isn't law yet. This is a consultation process. You can be part of that. In fact, that's what I'm asking you. The minister insists it's a consultation process. That's why I asked you about your thoughts on whether there should be mandatory drug treatment for people on social assistance. I just presumed you would have an opinion on it.

**Mr Triantafilopoulos:** No, I really don't, to be quite honest. I haven't really thought about why it would benefit, why it would be a good thing to do. Maybe everybody who gets a job should be drug-tested, maybe they shouldn't. I really haven't weighed the pros and cons. So for me to give you a decision in 10 minutes, I really can't do it.

1030

**Mr Gravelle:** But surely you've thought about it.

**Mr Triantafilopoulos:** To be quite honest, I haven't. I thought, "Oh, that's interesting." I really gave it no more thought than that.



**Mr Gravelle:** Are you aware of the huge backlog in the number of people who are waiting for appearance before the Social Benefits Tribunal?

**Mr Triantafilopoulos:** No, I'm not.

**Mr Gravelle:** You weren't told about the backlog? We understand that as far ahead as August 2000, people are waiting. I presume one of the reasons you're here is to erase that backlog.

**Mr Triantafilopoulos:** I'd like to help to do that but I really wasn't aware of that.

**Mr Gravelle:** OK. Thank you. I'll pass to my colleague.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I must say I'm somewhat concerned to understand this morning that your initial interest in pursuing a role in public service was directed in the area of the gaming commission, that that was your initial interest, and that because there were no vacancies there, you considered pursuing what other openings there might be, and it just happened that the Social Benefits Tribunal appeared. In my humble opinion, there really isn't a lot of similarity in terms of the role.

My understanding of the role of an individual who would serve on a Social Benefits Tribunal is that you would be a participant on a quasi-judicial body. You have made some statements in your remarks so far that indicate you would be prepared to do whatever the legislation would direct, but you would really appreciate that in your quasi-judicial role you will be presented with two interpretations. From the community service manager's perspective—that would be the local body—they would be saying, "We are interpreting the law in a particular way," and the appellant would be saying, "Well, no, I think my rights are being abridged for these reasons." Then you have the responsibility to bring your understanding of the law to that decision. So you really can't be directed from one side more than another. You have to weigh the merits of both.

I am just a little concerned that it would be your sense that you would be taking perhaps more direction or guidance or placing more weight on the legislative perspective, and we all know in this political reality that's the government perspective. I am a little concerned that in a quasi-judicial role you might be less than—biased. Can you appreciate the point I am trying to make?

**Mr Triantafilopoulos:** Yes. I think I understand where you're coming from. I can't sit on a tribunal without following some guidelines?

**Mrs Dombrowsky:** You must.

**Mr Triantafilopoulos:** Yes, of course. I think it would be great to be able to make the best decision I know how, and a lot of times I think I may know more than everybody else. But in reality, a lot of times that's just ego talking. So you really have to watch yourself and be able to listen thoroughly to people and take both parties for what they say and sift through everything and make an educated, logical decision after consulting with your colleagues, after consulting with the legal department. I don't think you can make a decision without having some sort of restraints and guidelines on yourself.

**Mrs Dombrowsky:** Wouldn't you agree that in order to be especially effective in doing that, it would be important to have some significant background and understanding of the social issues and the laws that are in place at the present time?

**Mr Triantafilopoulos:** From what I understand, the training is pretty thorough. I will get pretty thorough training and I'll learn the legislation inside out. I don't intend to go in there cold. I didn't learn every bit of legislation or read all the stats before I came in here this morning. There wasn't time. But I think to do the job I will have to know everything pretty thoroughly.

**The Chair:** That's the conclusion of the time for all political parties. I thank you very much, sir, for being with us. You may stand down and the committee will now deliberate.

**Mr Triantafilopoulos:** Thank you very much. It's been a pleasure being here.

**Mr Wood:** Mr Chair, I would ask that consideration of this be deferred one week.

**The Chair:** There is a motion made by Mr Wood to defer consideration of the appointment for one week. All in favour of that? Opposed, if any? Carried.

Next week we will schedule a meeting to deal with the consideration of this application.

Any further business for the committee? If not, I'll accept an adjournment motion.

Mr Spina moves adjournment. All in favour? Opposed? Carried. Meeting adjourned.

*The committee adjourned at 1036.*

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Mr Michael Gravelle (Thunder Bay-Superior North / -Nord L)

#### **Clerk / Greffière**

Ms Donna Bryce

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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 20 December 2000

# Journal des débats (Hansard)

Mercredi 20 décembre 2000

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Nominations prévues



Chair: James J. Bradley  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Wednesday 20 December 2000

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mercredi 20 décembre 2000

*The committee met at 1005 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr James J. Bradley):** We are now in session. We have the report of the subcommittee dated Thursday, December 14, 2000. I can't believe this but it says that the following intended appointees from the certificate received on December 8, 2000, be selected for review—there were no selections.

**Mr Joseph Spina (Brampton Centre):** Maybe there were no appointees.

**The Chair:** It might be there were none. We have to have a motion on that. Would anybody like to move that?

**Mr Spina:** I move that we accept the subcommittee report.

**The Chair:** Thank you very much, Mr Spina. All in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS  
CHRIS TRIANTAFILOPOULOS

Review of intended appointment, selected by official opposition party: Chris Triantafilopoulos, intended appointee as member, Social Benefits Tribunal.

**The Chair:** The second item is the consideration of the appointment of Chris Triantafilopoulos to the Social Benefits Tribunal.

**Mr Spina:** I think we deferred the vote last week, so I'd like to make a comment. I'm not sure of the opposition. I leave it to you as to the order.

**The Chair:** Is there a motion yet on approval or non-approval? Or would you simply like to have discussion first?

**Mr Spina:** I believe we made the move to appoint last week and the vote was deferred. Do we have to move it again? I'm asking for your direction.

**The Chair:** I'm sorry. The motion was to defer. That was the motion and that motion was carried, to defer, so I'll ask our clerk, what should I do now?

**Clerk of the Committee (Ms Donna Bryce):** At this point there was no motion for concurrence in the appointment, so it's open to debate or to a motion. I think it would be appropriate to have a motion on the floor first and then proceed to debate.

**Mr Tony Martin (Sault Ste Marie):** I move non-concurrence.

**Mr Spina:** I move that we concur with the appointment of Mr Triantafilopoulos to the Social Benefits Tribunal.

**The Chair:** What happened was that Mr Martin moved his not to appoint first. We'll come back to yours if that doesn't carry. Is that OK?

**Mr Spina:** That's fine. I understand.

**Mr Bruce Crozier (Essex):** Just a quick question, Chair. I guess this would be to the clerk. Is a motion to not appoint in order, in other words a negative motion?

**Clerk of the Committee:** Yes, because the motion is not necessarily to not appoint. It's to not concur with the appointment.

**Mr Crozier:** It's still a negative motion.

**Clerk of the Committee:** Well, the committee is saying they do not agree with the Premier's office going ahead and making the appointment.

**Mr Crozier:** OK, good.

**The Chair:** Mr Martin on the motion.

**Mr Martin:** I was here last week and participated in the questioning of the candidate for this position. I have to tell you, I wasn't sure why the government side moved to put this off until today, but there was absolutely nothing in this gentleman's past experience or qualifications that would give him any understanding of the issues that would confront him on this tribunal.

He himself, I think, very valiantly tried to make a case that he had worked with some folks around the issue of addictions, which I would guess would fit in with the government's perspective on people who are on social assistance. The story that's being put out there now in many ways is, "If you're on assistance, you have to be addicted probably, so we're going to test you just to make sure, and then if you are, we're going to help you in that way." Maybe the tribunal's going to get into making decisions about that kind of thing, I'm not sure, but certainly a past track record of working with people on addictions, however limited or expansive, should not, in my mind, leave anybody comfortable that this gentleman will be able to deal with some of the very difficult and complicated circumstances that will be presented to him where the lives of families are concerned.

As most of the people around this table know, most people depending on social assistance in this province are children, and to have somebody who comes out of a gaming-casino industry background, with some experience in addiction rehab—and also I believe he spoke



about being a football coach and that he was able to in that circumstance make some pretty decisive decisions about who would play and who wouldn't, and somehow that qualified him as well for this job—doesn't leave me very comfortable. I asked him a number of questions regarding this whole field of work that is so important in this province, particularly now, and he didn't seem to understand any of it. He had no real answers for anything. He didn't know what the levels of assistance were, and I don't think he would be able to understand some of the more delicate and crucial and important considerations that would need to be taken into account in making some of those decisions.

1010

I also want to put on the table that I was talking to a woman this week who, for example—and maybe the government side will enlighten me when they make their comments—was suggested for appointment by the city of London to the new housing authority there, a woman who had just a wealth of experience and background in the area of housing and working with people who are in difficulty and trying to find housing and trying to get assistance for themselves and their families. That appointment was approved and put forward by the city council of London to this government, and this government chose, in its wisdom, to turn that appointment down, to say, "No. I'm sorry. We're not going to approve that." It didn't even come to this table for us to even consider it. Many of you will know the name. It's Susan Eagle.

I don't know what the criteria are here for appointing people to boards. Here's a woman who obviously knows everything there is to need to know, who would come to that job with all kinds of knowledge and experience and would be a good member. We have here the government appointing somebody who has absolutely no experience or background in the area of social assistance, coming from a casino-gaming industry field, with yes, some football coaching experience, and they want to appoint him. I just don't understand that.

Having said that, obviously, I will be supporting the motion that I've tabled here this morning.

**The Chair:** I have Ms Dombrowsky, I have Mr Crozier. Mr Mazzilli, would you like to speak on this as well? OK. Mrs Dombrowsky?

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I would like to speak in favour of the motion that is on the floor, that has been put forward by the member from Sault Ste Marie, who I know to be a very principled individual. I share his concerns around this appointment. I was present at the interview last week, and I was most surprised to understand from the individual that when questioned about why he would be interested in this role—and Hansard would confirm—my understanding of his response is that he really wanted to be on the gaming commission, but that didn't work out, so it was suggested, "Well, maybe you want another appointed role," and this one happened to come up.

I have to say I was very disappointed when I understood that, to learn that this was not something that an individual had sought because they were really interested in addressing or participating in a body that makes decisions that have a significant impact on the lives of individuals, individuals who are in difficult situations. If I had heard anything of that nature coming from the person who was interviewed, then I would say, "Yes, this is someone who obviously has an interest, a concern, a will to participate in a very meaningful way in an area where he has been able to demonstrate an interest or some experience." But that clearly—clearly—did not happen.

I think we all, as elected members, from time to time have people come to our constituency offices, if your offices are anything like mine, and we encounter people who have found themselves in situations of difficulty, and we've indicated that an option for them to consider in their particular situation is to go to the Social Benefits Tribunal to have their situation fairly mediated. When I or people on my behalf offer that direction to people, it's with the understanding that the people they will meet at that tribunal have a pretty significant background in terms of understanding social issues and experiences that would qualify and relate to dealing in a social service agency. I have to say, in fairness to the young man—he's a fine young man, I'm sure—he demonstrated none of those experiences or background.

This, to me, is a very important tribunal. It's a very important appointment, and I don't think it should be taken lightly and I don't think that because someone has indicated, yes, they might like to be on some kind of board, maybe we should put them on the Social Benefits Tribunal. Let's look for people who have some background, some experience, so that when people come to my office I can assure them, "When you go there you will be heard by individuals who have some understanding, who have perhaps a history, who understand precedent." I don't believe the man who was interviewed last week would be able to bring any of those qualities to that particular role.

I concur with the motion that's on the floor and I certainly hope and strongly urge the members of the government present here today to—I'm sure there are many people you would be able to find acceptable who would have stronger credentials than the individual we interviewed last week.

**Mr Crozier:** I too was at the committee meeting last week to hear the intended appointee. I've been on this committee, like some of you, for several years. From time to time there comes a point where we really have to look at the intended appointee for what the job is going to be. Perhaps we should do that all the time. If this committee is going to have any credibility whatsoever, I think this is one of those cases where we have to really look at the candidate and the job that needs to be done.

When you look at the information that was given to us, the responsibilities of the position, "The Social Benefits Tribunal conducts hearings and adjudicates



appeals from individuals (both Ontario Works and Ontario disability support program) who have been refused social assistance or whose benefits have been reduced or cancelled. Members of the tribunal must issue written decisions on those appeals in a timely manner.” This is a pretty important job. I can’t even use examples as to how important the issue must be, but individuals who go before this tribunal need to be confident, and we need to be confident, that the individuals on that tribunal have the experience and the ability to make these reasoned and important decisions.

The candidate last week surprised me on a couple of issues. One, he even said that he could relate his experience as a psychiatric assistant to the people who would come before the tribunal and the decisions he would have to make. I think that’s incredible. I think his experience as a psychiatric assistant may be one thing, but to sit here and say that he sees a link between the two was incredible. He also seemed to think, in his view, that being a football coach for a number of years was one of the main reasons he should be considered. Again, although being a football coach and a volunteer is very laudable, I don’t see the connection.

1020

When asked about his opinion on drug testing, for example, he had no opinion. For goodness’ sake, we all must have an opinion of some sort or another. I don’t know whether he was avoiding the question or whether in fact he had no opinion.

He also expressed the fact that he didn’t feel he had any discretion in decision-making if he were appointed to this position. That’s the whole reason you have the tribunal. The rules have been applied, we would hope, up to that point by a caseworker or whoever else. So certainly, within certain parameters, this tribunal has to make a decision which must involve some discretion or at least some degree of it. He didn’t seem to think so.

The bottom line regarding the candidate, in my view, was that he was looking for a job. As has been pointed out, he was looking for a job in the casino business. Apparently there wasn’t one. So if we’re to believe totally everything he said, he just kind of sat around until this was offered to him. I’m a bit surprised in the process that in fact it has gotten as far as it has. I would have thought this individual would have been ruled out long before it even got to this committee.

I appeal to all of us, if we are ever going to do our job as a committee to make a recommendation on this, that we seriously look at this one. I’ll be supporting the motion that we do not concur with the appointment of this individual. If he is appointed, somewhere down the road I really think there will be some embarrassment.

**Mr Frank Mazzilli (London-Fanshawe):** I certainly won’t be supporting that motion. Something I’ve heard from across is the fact that when you’re appointed to any board somehow you need to have the background—

**Mr Martin:** You need to know something about the job.

**Mr Mazzilli:** Mr Martin, in fairness, the person you’re talking about works in the social services field every day. How can that person be independent and represent the community when on the other hand they’re working for the clients? How does one do that reasonably?

*Interjection.*

**Mr Mazzilli:** I’m not going to get into it with you, Mr Martin. But all appointments, when we make these appointments, are to represent the community, someone who perhaps has some knowledge, who is fair. If you’re a community member appointed to a board, whether it’s this or another one, you should come to the table representing the community, not a certain element of the community, whether it’s a small or large percentage of the community. You should go objectively, hear the cases made before you as an independent person who is not tied specifically to those issues and represent the community in making those decisions. That’s why I will not be supporting this motion. I think the community members ought to be appointed and ought to represent community views.

**The Chair:** Any other discussion on Mr Martin’s motion? If not, I’ll place the motion.

**Mr Martin:** Recorded vote.

**The Chair:** You’d like a recorded vote, fine.

**Ayes**

Crozier, Dombrowsky, Martin.

**Nays**

Dunlop, Mazzilli, Munro, Spina.

**Mr Crozier:** Bill Murdoch sure as hell got it right.

**The Chair:** The motion is defeated.

**Mr Spina:** Mr Chair, I move concurrence of the appointment.

**Mr Crozier:** Recorded vote.

**The Chair:** This is a new motion. It allows for more debate, but it probably—well, I won’t say whether debate has taken place or not. Any debate on this motion? Mr Spina first, as the mover, then Mr Crozier.

**Mr Spina:** Last week we deferred the vote on the appointment of Chris Triantafilopoulos to the tribunal. I think we wanted to ensure that the right person was selected to serve, or that Mr Triantafilopoulos was in fact the right person. As Mr Crozier aptly pointed out, the tribunal hears appeals of those on social assistance, and Mr Martin indicated it as well. People chosen to hear these appeals should be non-judgmental of those who are appealing the benefits but have a degree of compassion for those who are less fortunate. I don’t think there’s any disagreement on those elements.

In reviewing Hansard—I’m going to refer to him as Chris, not because I know him well but it’s easier to say than Triantafilopoulos, with all due apologies to the heritage—I’ve concluded that he’s a fairly well-rounded, qualified individual. He may not have a legal degree or a



background in social work, but throughout his working experience he's shown that he's able to deal with people facing stressful situations and he's able to govern in a firm and fair manner. He stated before the committee that all his life he'd been in the business of caring for and understanding the needs of people. I think that's the kind of person we need to sit on a tribunal like this, someone who understands people, who can relate to situations faced by those less fortunate and who can be compassionate, but at the same time really be objective.

I think Chris has generally proven with his background to be a grounded member of the community. He's involved, as he clearly indicated, in various aspects of football and in governance in a minor football league in Ontario, which clearly involves a large number of youth in this province. His experience demonstrated the ability to handle a variety of disputes involving people, organizations, volunteers and even part of the corporate community. He has rendered decisions in a fair and partial manner over the time that he's been involved. He has some experience in adjudicating disputes in his work handling personnel, and I don't see this to be too dissimilar to hearing a case on the Social Benefits Tribunal.

Football Ontario is the governing body for amateur football in the province. They promote and deliver educational programs and opportunities for coaches and officials to improve their skills. They provide skill development programs for athletes and competitive opportunities for participants.

Looking further to his presentation—and Mr Crozier alluded to his description of his work as a psychiatric assistant—I think this shows some compassion and ability to work with people in difficult situations. He stated that he listens to the problems of patients, gathers the information and makes recommendations to the care providers. He worked with a variety of people and sifted through their statements to determine the truth and really the best way to assist these people. This experience should not be dismissed just out of hand.

I think the opposition actually looks at the word “football” and thinks this is a big, dumb jock and disregards that—

**Mr Crozier:** You said it.

**Mrs Dombrowsky:** Not one reference was made to that.

**Mr Spina:** But I think that's the allegation.

**Mr Crozier:** It is not the allegation.

**Mr Spina:** There are a whole lot of other elements to this that the individual brings to the table.

Finally, we looked selectively at his work with FedEx and the charity casinos. He brought forward the challenges he felt were relevant to the tribunal. In discussing the employees who suffered alcohol and drug problems—he highlighted the compassion and respectful treatment that they received from their employer—he was giving a high regard to the humane treatment of those in need. I think these are positive attributes to being an adjudicator on a tribunal such as we are considering.

As an adjudicator, I think the opposition has correctly indicated that he would be expected to apply his skill sets to the responsibility. I think that he would be expected to impartially apply the legislation as it's written, to the benefit of all parties concerned.

His unwillingness, which Mr Crozier brought forward, to state his personal opinions on matters that have not yet become law should be respected and not derided. Similarly, his unwillingness to make a public comment when he's not yet trained in the legislation and the procedure of the board I don't think is a fair criticism. To me, this indicates careful and thoughtful behaviour of the individual, and I think that's the kind of behaviour we should expect from an adjudicator on a tribunal such as this.

**1030**

I think that Chris Triantafilopoulos brings a much broader perspective of the public at large to the Social Benefits Tribunal. He stated he's well-versed in various multicultural, social and economic backgrounds, and I think that's an asset to this tribunal. He brings with him the ability to listen to an individual, the sense to understand the differences faced by those of multicultural and diverse origins, and I think he's able to gather the relevant facts important to making sound decisions that would be required of him. That's the reason we would concur.

**The Chair:** Thank you very much, Mr Spina. I have Mr Crozier on the list, and then Ms Dombrowsky.

**Mr Crozier:** Just a couple of points I want to clear up. One is, Mr Spina has used the words “just a dumb jock.” I want the record to show those are his words. When I referred to the intended appointee's experience with football, I in fact said it was a laudable volunteer position to have, and I still maintain that position. Those words, frankly, had never entered my mind.

This is pure speculation on my part, but after Mr Spina's comments, I suggest that the reason this was deferred for a week was that, quite frankly, it appears to me as though it has taken the government side a week to put together some sort of an argument as to why this person should be appointed.

In closing, the bottom line is this, and we didn't know it last week, but we know it now: Mr Spina said, “I will just call him ‘Chris’ because I know him well.”

**Mr Spina:** I didn't say that.

**Mr Crozier:** The record will show that those are the words you used. Now we know why he's being appointed.

*Interjection.*

**The Chair:** I will go to Ms Dombrowsky. If any member wishes to speak after that and get back on the list, that's fine.

**Mrs Dombrowsky:** With regard to and with respect to Mr Mazzilli's statements around background and that perhaps it isn't reasonable to expect that an appointment to a tribunal of this nature would have some background in the work—

**Mr Mazzilli:** Community member.



**Mrs Dombrowsky:** Yes, you did make reference to “community member,” but I have been sitting on this committee for many months, and very regularly, when supporting an appointment that for all intents and purposes might otherwise appear very partisan, the government is very, very quick to point out the strong background that an appointee has in a related area. On one hand, the government very regularly speaks to related background and why all members of this committee should support an appointment because obviously this person brings some very strong credentials and background to it.

I’m thinking, for example, of Mr Johnson in his most recent appointment. I know there was a lot of conversation and presentation around his strong background that he would bring to that particular appointed role. That you would come here today and suggest that now we need to consider not individuals who perhaps have a related background but a well-rounded community person, I find it rather strange that now all of a sudden the government members have a different focus in terms of what they look for in people who would be appointed to these sorts of tribunals or commissions or whatever.

Also, with regard to the proposed appointee’s experience as a psychiatric assistant, I have to say I was somewhat curious about that particular item on his resumé, when I did note that in his university experience he would indicate that his major was in the field of political science. So I was rather curious what might have qualified him to act in a role as a psychiatric assistant. When I made a couple of inquiries, what I’ve been able to determine about the role of a psychiatric assistant is that it is largely one of monitor. They monitor. They sit in on sessions that a psychiatrist would be having with a number of patients, and a good part of that role would be to restrain any individuals who might for whatever reason become out of control or act in a way that would be dangerous to themselves or to other people in that room. That was the type of report I got from two individuals who have worked in that field, that that would be their understanding of the role of a psychiatric assistant. Particularly since this individual doesn’t have a strong background in any science that relates to psychiatry, I think it’s important to make that clear for the record. That would conclude my points, Chair.

**The Chair:** Any other comment from any member of the committee on this at all? If there is not—

**Mr Crozier:** Recorded vote.

**The Chair:** —I will put the motion forward from Mr Spina. He is moving concurrence in the appointment of Chris Triantafilopoulos to the Social Benefits Tribunal board.

#### Ayes

Dunlop, Mazzilli, Munro, Spina.

#### Nays

Crozier, Dombrowsky.

**The Chair:** The motion is carried.

The last item I would like to bring to your attention is that the House, I believe, will be passing a motion—we can’t presume what the House does, of course, but there has been an indication that the House will be passing a motion permitting the committee to sit in the intersession. I presume each of the parties will have an opportunity to indicate if they wish to have a person who has been nominated by the government come before the committee. So that process will continue in the intersession. That is my understanding, and our clerk will assist us with that.

**Clerk of the Committee:** Just to clarify, technically this committee can meet on its own during the intersession. It’s up to the subcommittee to set a date. So at some point closer to January, Mr Bradley will probably suggest a few dates and poll the subcommittee members to see which days would work.

**The Chair:** We will certainly do that. We do this in the intersession, as we know, in this committee because the government wishes to have its appointments proceed and be considered, and the committee still has an opportunity, even when the House isn’t in session, to select individuals it believes should appear before the committee.

Any other business before the committee? If not, I wish all of you a merry Christmas and a happy new year, and whatever other holiday you may celebrate, I wish that you enjoy that very much. Until we meet again, the meeting is adjourned.

*The committee adjourned at 1038.*

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### STANDING COMMITTEE ON GOVERNMENT AGENCIES

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#### **Vice-Chair / Vice-Président**

Mr Bruce Crozier (Essex L)

Mr James J. Bradley (St Catharines L)

Mr Bruce Crozier (Essex L)

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington L)

Mr Bert Johnson (Perth-Middlesex PC)

Mr Morley Kells (Etobicoke-Lakeshore PC)

Mr Tony Martin (Sault Ste Marie ND)

Mr Joseph Spina (Brampton Centre / -Centre PC)

Mr Bob Wood (London West / -Ouest PC)

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Mr Frank Mazzilli (London-Fanshawe PC)

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## Legislative Assembly of Ontario

First Session, 37th Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 24 January 2001

# Journal des débats (Hansard)

Mercredi 24 janvier 2001

**Standing committee on  
government agencies**

Subcommittee reports

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapports du sous-comité

Nominations prévues



Chair: James J. Bradley  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Wednesday 24 January 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mercredi 24 janvier 2001

*The committee met at 1006 in room 228.*

**The Chair (Mr James J. Bradley):** I'm going to call the meeting to order. I see that all parties are fully represented this morning, so I now want to commence the meeting. I always like waiting, if it's necessary, till we have all the people here, and we do.

I'm delighted to welcome you back in the new year to the government agencies committee. We have, of course, a number of appointments today to various agencies, boards and commissions, which will be this morning and this afternoon.

Before we start, Mr Martin, you have a question?

**Mr Tony Martin (Sault Ste Marie):** On a point of order, Mr Chairman: I was wondering if you could tell me how decisions are made about where committees meet in this precinct. For example, I wonder why this committee, which makes some pretty important decisions about appointments to boards and commissions that are important across this province, never gets to meet in room 151, so that the proceedings could be televised and the public could have a look in on some of the questioning and some of the answers we get, so that they would have some sense of what criteria are being used by the government today to appoint some of the people that they are.

I would think it would be somewhat unfortunate if, for example, that room was empty this morning. I don't know if it is or not. I didn't come by there; I came across the second floor. But it's unfortunate if that room is empty and we are over here doing this very important work and we are not taking advantage of the opportunity to be more present to the public out there in the work we do here.

I think we on this side of the room have all put on the record that there certainly seems to be a pattern of appointing friends and colleagues of the present government, although other governments have done that as well. But I would think that if the government has no concern about that, they would be more than happy to do this in as public a way as is possible.

So my question is, how is the decision made about where this committee meets, and why is it that we never meet, or other committees take precedence or priority in terms of room 151?

**Mr Morley Kells (Etobicoke-Lakeshore):** Mr Chair, if you're going to do a little research to provide the answer to the honourable member, find out how many

times this committee met in room 151 when the NDP was in power.

**The Chair:** I have a comment. Is this a request you are making, that this committee start sitting in that room?

**Mr Tony Martin:** What you'll find when you go into that history, Mr Chair, is that when the NDP was in power this committee met all over the province. We were out investigating agencies and boards, and meeting with people all over this province, because we were a government that felt that was important. We thought that was an investment in democracy to do that kind of thing.

**Mr Kells:** It's called payback time.

**Mr Tony Martin:** It's called payback, I've heard from the other side. That's what this committee—

**The Chair:** I'm going to call this part of the discussion to order right now and ask our clerk how it is that we determine this. I presume anybody can make a request to sit in any specific room they wish, but I'll ask our clerk to report on this.

**Clerk of the Committee (Ms Donna Bryce):** At the beginning of the session the rooms are divvied up among the committees, and 228 just happens to be this committee's regular meeting room. So unless otherwise requested, either by the subcommittee or the Chair, this committee always meets in room 228. It may be something the subcommittee may want to discuss.

**Mr Tony Martin:** Could I make a suggestion, then, that the subcommittee consider, if only from time to time and particularly when the room is available, that this committee might meet in room 151 so the public could have a look in on some of the questioning and some of the criteria that are in place.

**The Chair:** My understanding is that the Amethyst Room—I always have a hard time pronouncing that—room 151, can be broadcast across the province. I have seen that before; I think the economic policy committee or the finance committee. Anyway, I will leave that to the subcommittee now because I would like to proceed with this, but it's an interesting point.

## SUBCOMMITTEE REPORTS

**The Chair:** I want to commence our actual agenda today. First is the reports of the subcommittee on committee business dated Thursday, December 21, 2000, and Thursday, January 4, 2001.

**Mr Bob Wood (London West):** I move their adoption.



**The Chair:** Mr Wood has moved their adoption. Discussion, first of all? If not, all in favour? Opposed? Motion carried.

## INTENDED APPOINTMENTS

### RICHARD BRASSARD

Review of intended appointment, selected by official opposition party: Richard Brassard, intended appointee as member, Muskoka, Nipissing, Parry Sound and Timiskaming grant review team.

**The Chair:** We will begin the appointments review now. The first person is Richard Brassard, who is the intended appointee as member, Muskoka, Nipissing, Parry Sound and Timiskaming grant review team. Mr Brassard, I hope I've pronounced it correctly.

**Mr Richard Brassard:** You did.

**The Chair:** Thank you, sir. If you will come forward, the procedure we follow is that you are welcome to make an opening statement should you see fit, or not—that's entirely up to you—and then the parties each have 10 minutes to direct questions to you.

**Mr Brassard:** Thank you, Mr Chairman, ladies and gentlemen of the committee. I would like to take this opportunity to thank the committee for extending the deadline for this interview from December 17 to the end of January. Until I read in Hansard about the problem that my inability to appear in December may have caused, I really had no idea that there was a concern. In fact, during my visits to Toronto, I try to conduct as much business as possible, and this particular date in January seemed to serve that purpose. In my travels and during the course of a day, or any other time frame for that matter, I make every attempt to plan and manage my time wisely and that is something that I believe would be extremely helpful to me as a potential member of the grant review team.

Throughout the course of my life, I have always been a believer in community involvement. For me, it was unacceptable to sit at home and complain. If a change needed to be made or something needed to be done, and if I cared about an issue, I felt that it was important for me to assume some type of role in affecting that change or in helping to get the job done. I believe that the strength of any community comes directly from the degree to which citizens take responsibility for their collective well-being and do so through acts of volunteerism.

Following the recent municipal election, during which I was elected mayor of the town of Englehart, I spent the first few weeks selecting and appointing individuals to a host of committees which are designed to serve the public interest in areas of sports, culture, arts, recreation, social services and so on. All the committees are designed to enhance and support community life which, I believe, also reflect the vision and mission of the Trillium Foundation. In each instance and with each appointment, I would send the individual a personal letter

welcoming him or her to the committee and thanking that person for being a caring, community-oriented volunteer. A community is only as strong as the volunteers who give of their time and efforts to make that community a better place in which to live, to work and to raise families.

Having served as a volunteer for over 25 years in such endeavours as coaching sports, serving on a board of a credit union, being appointed to and serving on the Nipissing-Timiskaming District Health Council, as well as in helping to organize the Northern Ontario Games for the Physically Disabled in 1981, I feel that my experiences would serve me as an intended appointee to the Muskoka, Nipissing, Parry Sound and Timiskaming grant review team.

As the former chairman of the Nipissing-Timiskaming District Health Council, I believe that I have acquired a good understanding of the two districts and the communities within those districts. When the Nipissing-Timiskaming District Health Council merged with the Muskoka-Parry Sound District Health Council in late 1997 and early 1998, I served as a member of the transition team and came to know those two districts to a greater degree than ever before.

In addition, I'll attempt to bring a perspective to the table from central Timiskaming so that people might better understand the area, but when decisions are made that involve a geographic area, my approach is to have a broad-based approach rather than to have a narrow focus. I sincerely believe that membership on any committee must be based on a desire and commitment to serve the whole public interest, rather than the interests of a certain few, and I have endeavoured to maintain that approach in my work as a volunteer decision-maker.

In closing, ladies and gentlemen, I would like to once again thank you for having given me the opportunity to appear before you today as a candidate for membership on the Muskoka, Nipissing, Parry Sound and Timiskaming grant review team. I accept your decision, whatever it may be, and I invite any questions that you may wish to direct my way.

**The Chair:** Thank you very much, sir. We'll commence with the official opposition.

**Mr Bruce Crozier (Essex):** Thank you and welcome to the committee. I see by the information that's been given to me that you were a candidate in the 1999 Ontario provincial election. That was for the Conservatives?

**Mr Brassard:** That's correct. In the Timiskaming-Cochrane riding.

**Mr Crozier:** Does that mean, then, that you're a member of the Conservative Party?

**Mr Brassard:** I am, sir.

**Mr Crozier:** Can you tell us what positions you've held, if any, in the Conservative Party?

**Mr Brassard:** I hold no positions in the Conservative Party.

**Mr Crozier:** OK. When it came to this appointment, did you apply for it or were you approached?



**Mr Brassard:** No, I applied for it. I had discussed the matter with another member on the grant review team and, discovering that there was an opening, it interested me, so I applied for the position.

**Mr Crozier:** Sir, was that before you were elected mayor?

**Mr Brassard:** It was.

**Mr Crozier:** In my view, there may be a question raised, since you're the mayor of Englehart, that you may have to review applications that would be presented at the same time as those of other communities. Can you tell me, then, how I could be assured, but more importantly, how the people in the area in which you're going to serve can be sure, that there is no conflict of interest?

**Mr Brassard:** Certainly, as a former chairman of a district health council, as mayor of a community, I'm very aware of conflict of interest. In discussions that I've had with others regarding this particular issue, I'm led to believe that no applications would be directed my way if they pertained to my constituency. So I would be prepared, in the event that they were for some unforeseen reason, to declare a conflict of interest and not deliberate on those issues.

**Mr Crozier:** But you may know, sir, or at least you will find out, that the requests exceed the amount that's available, so whether they direct anything from the Englehart area your way or not, there is going to be a competition between your community and others. Wouldn't you at least consider the fact that being mayor may put you in a conflict?

**Mr Brassard:** I would never put myself in a compromising position. If I thought there was a conflict of interest, I would declare it.

**Mr Crozier:** Doesn't that reduce your effectiveness on the committee if you have to declare a conflict? In other words, you're not there to help them make the decision.

**Mr Brassard:** I think the committee would expect that of me. That's, in my mind, a rule and I've always tried to govern myself accordingly.

**Mr Crozier:** Why wouldn't you just simply say, "I'm now mayor of Englehart," so that there can be absolutely no question about a conflict? With what's in the news today, particularly with golf courses and Peter Minogue and others, conflict of interest is certainly on everybody's mind. Wouldn't it be just as easy for you to say, "Look, I think perhaps you should get someone else who can serve completely, can serve without any question of conflict of interest"?

1020

**Mr Brassard:** I don't think I would ever have a problem whatsoever in that area. I think my actions to date serving on various other committees have shown that to be correct, so I'm not prepared to step down. But I am prepared to declare a conflict of interest and to indicate to everyone who sits on that review team—I'm sure they already know that I am the mayor, because I'm acquainted with most of those who sit on the grant review team in the Timiskaming district.

**Mr Crozier:** Well, sir, it doesn't always matter whether it's in your mind. It's what is perceived by the public as well. Aren't you concerned about that?

**Mr Brassard:** I'm not concerned about it. I don't think the public would have any concern. I think the public in the area is well aware of my activities within the community, and that certainly has not been something or will not be something that concerns me, because I know I'll do the right thing.

**Mr Crozier:** When you were chair of the Nipissing-Timiskaming District Health Council, did you hold any public elected office at that time?

**Mr Brassard:** I did not.

**Mr Crozier:** You did not. So you don't have any experience as to whether or not you may be in conflict when it comes to being on one appointed body as opposed to being an elected official.

**Mr Brassard:** I served on municipal council from 1977, I believe, until 1985, in the town of Englehart on many, many committees. I've never, ever had a comment directed toward me that my actions could be perceived as or were in fact a conflict of interest. There is no track record in that department. I have no concerns and I assure the public that they will not have any concerns in that area whatsoever.

**Mr Crozier:** Had you been elected in 1999, would you have been expected to be appointed to a committee such as this by the government of the day?

**Mr Brassard:** Absolutely not.

**Mr Crozier:** Then why would you expect to be an elected official and appointed to a committee like this today?

**Mr Brassard:** I may be wrong, and I stand corrected if I am, but I believe being an elected member of the Legislature precludes one from holding office as far as an appointment from the province is concerned.

**Mr Crozier:** You may be right or wrong. I don't know.

**Mr Brassard:** I think I'm right.

**Mr Crozier:** I'm asking about the perception. What's the difference, in your mind?

**Mr Brassard:** I think I can honestly serve both purposes. I can act on behalf of my municipality and the citizens at large within the constituency.

**Mr Crozier:** Well, sir, you have a great public record. I'm going to have to vote against this—you're going to be appointed anyway, so don't be afraid—because I frankly think the honourable and correct thing to do would be to withdraw your name.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Do you still serve as principal?

**Mr Brassard:** I do.

**Mrs Dombrowsky:** Elementary or secondary?

**Mr Brassard:** Elementary.

**Mrs Dombrowsky:** How many students?

**Mr Brassard:** There are approximately 318 students in my school as we speak.



**Mrs Dombrowsky:** Is that in the community of Englehart?

**Mr Brassard:** No, it's in the community of Kirkland Lake.

**Mrs Dombrowsky:** Well, Mr Brassard, I guess there are two points that I would like to make. First of all, I do have some familiarity with education and I certainly appreciate the many challenges in the role of principal. I have some concern, given your many community commitments, and I would suggest that participating on this type of review team would be a significant commitment of time and energy as well. So I have some question and concern about the impact that might have on your professional role.

Further to the conversation you've had with my colleague Mr Crozier, when people put their names forward to participate on local boards or review teams as members of a community, it usually is from the perspective that they can advocate on behalf of their community. Yet you've presented here that on those occasions, if there was an application from a local club or agency, when really it would be in the better interests of your community to have someone speak to the very good work and the commitment of the people who've made an application, in those particular cases you would remove yourself from those conversations lest there would be a perceived conflict. I would suggest that for the very reason that you would put your name forward, you've indicated today that you would not be participating in those discussions. So I question how effective you might be as a member of a review team, as an advocate for your community, when you've stated already that whenever anything of your community would come on the agenda, you would remove yourself from those conversations or those discussions.

I have very serious concerns about your appointment for these two reasons: the impact it will have on your other very important professional role—and I'm not questioning, I'm sure you're an excellent principal, but I also have some sense of the significant demands on that role—and the other is what I think is really quite clear, that you have put your name forward as a community advocate and then state for us today that when there would be conversations about your community, you would remove yourself from those discussions.

**Mr Brassard:** I could be wrong but I believe that's standard procedure when committees meet to discuss applications, that if you're from a particular community, you must remove yourself from those discussions. I stand corrected, but I'm led to believe that's the case. So anyone who is on a committee might be required to do that.

**Mrs Dombrowsky:** In my experience—I was a school board trustee, so it was certainly a representative role, representing a particular part of a board jurisdiction—I always thought I had a responsibility to take a very active role and share with my colleagues all the information I could about my community. If there was a conversation about an improvement to a school in my area, I had to be

there. I had to explain to them why this was an important consideration for my community. That's my idea of an advocate. That you say on those occasions you would remove yourself from that conversation I don't think is really doing the community you serve justice.

**Mr Brassard:** I think perhaps the definition of what role you serve on whatever board or agency could differ. Again, I may be wrong on that, but your role would be distinctly different from my role in that you were a school board member. That's my guess. I'm not 100% certain about that but that's what I might think.

**The Chair:** Time has expired for the official opposition. For the third party, Mr Martin.

**Mr Tony Martin:** I initially wanted to follow up on some of the questioning of the Liberals with regard to your political affiliation. I think it's really important, and we should know about it, understand it and have it on the record to some degree. Are you on the executive of the PC riding association?

**Mr Brassard:** No, I am not.

**Mr Tony Martin:** You were just a candidate?

**Mr Brassard:** I was a candidate.

**Mr Tony Martin:** Have you ever served on the executive of the riding association?

**Mr Brassard:** I never have.

**Mr Tony Martin:** Out of all the boards and commissions that anybody in this province conceivably could try to be part of, you chose the grant review team to ask to be appointed to. Could you tell me why this particular appointment and not some other one?

**Mr Brassard:** I think this is an opportunity to make a difference within the area. There is certainly great need in the Timiskaming district for improvement, and I believe I have a fair understanding of the needs of the district, even beyond what's in the resumé. So I guess I'm there to make a difference for the district. I believe in the future of the district. We've certainly had a difficult time economically in the last few years and I think it requires that people get involved in whatever way they can to make some things happen so that the future is bright. Certainly a lot of people in the district are doing what they can as volunteers and in other ways to create that brighter future, a better vision for the Timiskaming district.

**Mr Tony Martin:** Do you understand the framework within which money is collected and grants are given out?

**Mr Brassard:** I believe I do.

**Mr Tony Martin:** Could you share that with us?

**Mr Brassard:** The monies come from the revenues that come into casinos through slot machines and are distributed accordingly. I believe 25% goes directly to either racetracks or to support the community that hosts the racetracks or the casinos. Another 2% from the revenue goes to the problem gambling strategy and then the remaining 73%, I believe, is distributed to a number of organizations, including the Ontario Trillium Foundation—I think the budget is \$100 million—which is then distributed throughout the province. At least 80% of it



goes directly to the grant review teams in the particular districts for distribution on a per capita basis, and 20% stays with the Trillium board and is distributed on provincial projects or activities.

1030

**Mr Tony Martin:** Your part of Ontario, not unlike my own of Sault Ste Marie, is probably struggling at the moment in terms of its economy and trying to find some anchors re some new business so people can get work. As you can imagine, and I'm sure you know because of your role as the mayor of that community, there's tremendous demand for resources to deliver all kinds of programs where, in my view, there used to be sufficient money to provide some of what typically and traditionally were government-delivered programs. They have been shrunk now and organizations that used to be able to avail themselves of the charity of the community are now competing with lots of organizations that weren't in the mix before.

What are your thoughts on some of the criteria and, as applications come before you, what will the priorities be, in your view, for the use of this money in your particular area of northern Ontario?

**Mr Brassard:** I think you have to take a look at each and every application on its individual merit. Now, I know there are broad categories. We look at sports and recreation. There's a great need in northern Ontario for enhancement of those kinds of programs and facilities. There's a major focus certainly in my community on the environment as well in the Timiskaming district. We look at arts and culture and social and human services. In my view, I think you have to take a look at each project for its individual merit and try to juggle that, because you're looking at a limited resource, prioritize it and do the best job that you can based on how you collectively think of that particular application or applications. I think you look at each one individually in the framework.

**Mr Tony Martin:** What would the priority for you be? You mentioned culture and recreation, sports and then human and social services as three areas.

**Mr Brassard:** Right.

**Mr Tony Martin:** What would the priority for you be?

**Mr Brassard:** You know, I thought about that. For most of my life I've been involved in sports and recreation, but that's only me, and within this mix there is everybody else. So I think I defer to the fact that everybody is important in this and we have to take a look at everybody's needs and make decisions according to how we see the public need, which is the priority, and go according to that.

**Mr Tony Martin:** I guess the concern I would have in that is, would you be able to separate yourself from your party affiliation in terms of some of those priorities? Because it's fairly obvious to me that there's a bias in this government against anything organized and run by organized labour, for example. There's a bias when supplying anything more by way of support and sustenance to those at the bottom rung of the income scale. Very

early in its mandate this government took 22% of the income away from the most vulnerable and the poorest in our community by way of a reduction in social assistance, and just in the last couple of years they've chosen to hold back the child tax credit that goes from the federal government to the poorest of our families to feed children, simply because the parents in that family don't have a job and they're on the system. Even if they have a job and they're being topped up in some way by the social assistance system, that \$50 is taken away and put into some other fund that this government uses for God knows what, probably a tax break.

If grants came forward to you as a member of this team which spoke of trying to relieve some of the very difficult poverty that's out there and you had to stack that up against some other things—sports and recreation is one thing you mentioned. Certainly an argument could be made that it's important that children in poor families get to participate in some of those things, as other children do who can afford it, and if you can make that available, that's fine.

Do you share the same antipathy as this government to targeted groups of people such as the ones I mentioned, and would that affect your decision-making when it comes to this work?

**Mr Brassard:** I'm a school principal; I'm a father; I'm a community member. I understand human suffering. I understand community needs. I think I would make my decisions based on my beliefs that the future lies with our children and we must create a better future.

To answer maybe a concern that the two opposition members brought earlier on, I can assure you that the right decisions will be made. There will be no conflict of interest. We will look at what's before us and make appropriate decisions based on numerous factors that enter into the picture. Again, the future is our children and our communities. We have to make decisions based on their needs, and that's what I'm prepared to do.

**Mr Tony Martin:** Do you believe it's proper and right for this government to claw back the child tax credit from poor families?

**Mr Brassard:** Mr Martin, if I may, I'm an applicant for a position on a grant review team. I'm a member of the Conservative Party, and that's well known. Respectfully, I would do what is right in my heart and in my head to help people so that communities are better places and our children have a future. So I don't know how that enters into the debate here right now, how I feel about that particular issue.

**The Chair:** That's the final question, unfortunately, for you. It terminates at 10:36.

Government caucus, Mr Johnson.

**Mr Bert Johnson (Perth-Middlesex):** I'm pleased to have an opportunity to take a minute because I was so impressed with Mr Brassard's resumé. I thought, here's a man who has served the educational and the municipal part of his community so well and for so many years that surely here is a top-notch candidate for the kind of people we would want on this sort of team.



I and the member for Essex served as mayors of our communities. I'm not sure about him, but I know that I held a real estate broker's licence at that time. There were frequent times when I declared and saw on the horizon a possibility for a conflict. We had seven people on council. I indicated my concern. I got up and left the meeting, and when that part of the business was done, I came back.

I see in this applicant the same sort of training or background, so I don't share the concerns of the member, Mr Crozier, about that particular difficulty.

I don't really have a question. I just wanted to add my comments to this morning's interview. Thank you.

**The Chair:** Anyone else from the government caucus?

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** Thank you, Mr Wood, for your notification.

Thank you very much, Mr Brassard, for appearing before the committee. You are now permitted to depart.

**Mr Brassard:** Thank you very much, Mr Chairman. I appreciate the challenging questions and I await your response.

#### CAMERON LEACH

Review of intended appointment, selected by official opposition party and third party: Cameron Leach, intended appointee as member, Regional Municipality of Niagara Police Services Board.

**The Chair:** The next intended appointee is Cameron Leach, intended appointee as member, Regional Municipality of Niagara Police Services Board.

Mr Leach, you are probably aware, as you were in the audience before, listening, that you have the opportunity to make an initial statement should you wish to do so. That's entirely your choice. Welcome to the committee.

1040

**Mr Cameron Leach:** Thank you, Mr Chair, ladies and gentlemen. I would like to make a brief opening statement.

I am very pleased to be here today as an intended appointee for the Niagara Police Services Board. I recognize the importance of the board's services to the community and to the Niagara region police services.

It is public knowledge that the Niagara Regional Police department is in need of sincere assistance in areas of budgeting, morality and highway fatalities. As a concerned citizen and business owner in the Niagara region, I bring to the board a true understanding of the needs of the community and the police force in regard to providing a safe environment. As a businessman, I understand that effective budgeting and decision-making comes through extensive research.

I understand that my principal responsibilities will include a safe environment, effective budgeting, and to determine objectives and priorities for police services, establish policies for police services, annually determine their remuneration and working conditions within the

police services, monitor the police chief's performance, and develop programs to enhance professional police practices, standards and training.

In my position as a new board member, I want to observe and gauge the inner workings of the board's present direction and policies. I want to take a proactive and direct approach to present and future board decisions.

In closing, I look forward to the opportunity of dedicating my time and knowledge to the police services board and the Niagara region.

**The Chair:** Thank you very much, Mr Leach. We commence this time with the third party.

**Mr Tony Martin:** Again, the same as I asked the previous candidate: out of all the things that you could possibly apply for and want to participate in, in terms of the public life of your community, why would you have chosen the police services board?

**Mr Leach:** With my experience as a businessman and being in the community for all my life, I feel that I would be able to put added value toward the operations and the policies of the police services. It would be through the understanding of community policing and how safe I would like the Niagara region to be overall. So that would be the input that I would put forward.

**Mr Tony Martin:** You'll know again, because, as the Chair said, you sat through the last interview, that one of the issues that we around this table concern ourselves with so often in appointments is potential conflict of interest. As you'll know, I'm sure, the area of policing is a very sensitive area where that issue is concerned. As a matter of fact, we, as members of this place, are told very clearly when we get elected that there are a couple of areas of jurisdiction that we try to stay away from because we don't want to mix the political with the legal and get ourselves involved in any way, shape or form or to be perceived as trying to influence the work of policing because it is so important to our communities and, I would have to say, such a sensitive and difficult area.

You own a hotel.

**Mr Leach:** I do.

**Mr Tony Martin:** Does that have a bar in it?

**Mr Leach:** I'm in the food and beverage; it does have a bar in it, yes.

**Mr Tony Martin:** And it's an area that could come into relationship with the police from time to time?

**Mr Leach:** It's an area that politicians attend, lawyers, accountants; the police do go there. It's a public place.

**Mr Tony Martin:** But in their official capacity, they're sometimes called in if there's an altercation or something in the place or they may in fact, under the Alcohol and Gaming Commission, have to come in sometimes and do an inspection or a review.

I know that recently the Minister of Consumer and Commercial Relations has come out very heavily and hard against what he terms illegal activity in booze cans and after-hours bars and that kind of thing. I've had a number of folks from my own community in to see me to complain that they're being harassed by the inspectors,



who are oftentimes backed up by the police, in terms of trying to make sure that the law of the land is being lived up to. Do you see where that may become a potential problem for you?

**Mr Leach:** To answer the first part of your question, I would not have a conflict. In 23 years of operating the Mansion House, I invite the police in; they have never been called in. I am happy to see them to do a walk through. I've never had any infractions through the health department, through the liquor board, nor have I had any infraction with the police, whether it be OPP or Niagara region.

**Mr Tony Martin:** So you're saying in your business and in your personal life you've not had any run-ins with the police at all.

**Mr Leach:** None whatsoever, and I don't intend to.

**Mr Tony Martin:** You don't see where your owning of that hotel and being in the food and beverage industry might in any way cause you some difficulty in terms of carrying out your duty or may give you some undue influence where perhaps applying for a licence of some sort might be concerned or perhaps the application of the law is concerned?

**Mr Leach:** No. I don't think I'd be any different than a plumber or a carpenter.

**Mr Tony Martin:** Just a couple of more general questions. There has certainly been a lot of discussion lately re the whole question of policing and police associations and their involvement in the political process. You'll remember the True Blue campaign that happened in the Toronto area over the last year or so and the—

**Mr Leach:** I'm not sure I'm aware of that. Maybe you could explain that to me.

**Mr Tony Martin:** It was a fundraising campaign put on by the Toronto Police Association. You got a sticker put on your windshield if you contributed to the True Blue campaign, just to indicate that you did, although some suggested that could also be an indicator, if you got pulled over for speeding or whatever, that maybe preferential treatment should be given or whatever. That was one part of the program that was considered a problem by some. The other part was the indicated intention to use the money collected to involve the association in the political process to make sure that police-friendly politicians got elected. There was a backing away from some of that by the association, but in my understanding there's still a fair bit of money in the bank account and certainly what happens in the Toronto area sets precedents for the rest of the province in that arena in many ways. Is that something you've given any thought to in terms of your role with this police association?

**Mr Leach:** No, I've given it no thought.

**Mr Tony Martin:** None whatsoever, so as far as you're concerned there's no issue there?

**Mr Leach:** There's no issue there with me with that, no.

**Mr Tony Martin:** What about the issue that's in the papers today of police carrying guns when they're off duty because they're afraid for their safety? What's your position on that?

**Mr Leach:** That's a very difficult question. The answer is I would suggest strongly that they don't carry a gun when they're off duty.

**Mr Tony Martin:** OK. That's all I have.

**The Chair:** We go to the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** The government caucus has waived its time. We go to the official opposition.

1050

**Mrs Dombrowsky:** Good morning, Mr Leach. You've made some statements in your opening remarks that have indicated to me that you are especially interested—and probably this stems from your business experience and your business background. You indicated you want to provide sincere assistance in budgeting in this new role. Another comment you made during your remarks was with regard to effective budgeting.

I would just ask if you would perhaps comment: is your attention in this particular area related at all to the fact that there was a significant increase in the police budget in the year 2000, that the police budget has, in the past, operated with a deficit? Maybe you could explain what your goals would be in terms of the budgeting process for that police service board.

**Mr Leach:** I think with any budget it just cannot be done one time in the calendar year; I think it's an on-going process. That's the way I would approach the budgeting process. In other words, if someone's going to get \$65 million, let's not just use it all up; let's take a look at it and spend that budget wisely. So it's an on-going 365-days-a-year process, and that's how I would approach it.

We need good policing, so we need a good budget. If you have a good budget, you're going to have a good force.

**Mrs Dombrowsky:** I have to think a safe community is a great business asset for you when you market your business, that you can say your community is reasonably safe. Also, with regard to some of the increase in traffic fatalities, it has been indicated that some of those deaths have been directly related to increased speed and drinking while driving. We know that a very effective deterrent to that type of behaviour is an increased police presence, usually through RIDE programs. While they are effective, they are expensive.

I guess I would like to understand, in your desire to provide assistance in effective budgeting, would you be open to increased expenditures to improve the service and the protection of the people?

**Mr Leach:** Within reason. Going back to the fatalities, I think alcohol and speed were 50% of the fatalities. It has to be addressed, but it has to be wisely addressed. You just can't kick out a whole bunch of money to address that. It's very important. I think people—we're sort of on what I do. As a food and beverage man, I think



the food and beverage industry, through smarts or through a lot of training, learning how to be more responsible—in our program at my restaurant we're probably spending \$1,200 to \$1,500 a year on taxis. I think the public has to be made more aware of it. I think the younger people are more aware of drinking and driving and how to take a designated driver, how to take a cab, sometimes better than the older people. But not to throw money out foolishly to try and correct a problem. Let's research it, research it well, and then decide.

**Mrs Dombrowsky:** Would you be of the opinion that that has happened in the past, that money is being thrown out foolishly?

**Mr Leach:** No, I wouldn't say that.

**The Chair:** Mr Crozier.

**Mr Crozier:** Good morning, sir. Just a couple of technicalities to get out of the way. Are you a member of the Conservative Party?

**Mr Leach:** I am.

**Mr Crozier:** Can you tell us what positions and activities you may have held in the past with the party, or at the present time.

**Mr Leach:** I have no past positions. What I have been doing for the past few years, since 1994, is holding a dinner in St Catharines which encompasses the overall region; it's a regional dinner. I've been chairing that on behalf of the party.

**Mr Crozier:** As a fundraiser.

**Mr Leach:** As a fundraiser, yes.

**Mr Crozier:** You may have answered this, but did you ask or apply to fill the position on the police services board that you are being considered for?

**Mr Leach:** No, I did not.

**Mr Crozier:** You were approached?

**Mr Leach:** It was discussed, and I said I would be happy to serve and help out in that area.

**Mr Crozier:** Were you approached?

**Mr Leach:** No, I wasn't approached.

**Mr Crozier:** Somebody had to start the discussion. Did you—

**Mr Leach:** I probably suggested the areas where I would like to add benefit to the community, so I would approach them.

**Mr Crozier:** Rather than you "probably did," then, you did approach them?

**Mr Leach:** Rather than "probably," I did.

**Mr Crozier:** Well, you said "I probably" did. I figured you would know better than anyone else.

**Mr Leach:** You're absolutely right. I did.

**Mr Crozier:** You did. OK. It was as simple as that.

**Mr Leach:** Sorry. I got mixed up on words.

**Mr Crozier:** Another little technicality: you mentioned that you've owned the hotel for 23 years.

**Mr Leach:** I've been in the business for 23 years. I've owned the hotel for—this is my 18th year coming up in June.

**Mr Crozier:** OK. It said since 1985. It's the accountant in me. That would be 15 years.

**Mr Leach:** This will be my 16th year. You're right. I wish I was an accountant.

**Mr Crozier:** Maybe you wouldn't.

In those 16 years, you said that through the business, in the area of the sale of alcohol, you've never had anything to do with the police with regard to—

**Mr Leach:** An infraction? Never.

**Mr Crozier:** That's great. That's a great record.

I'm interested to know, do you serve liquor, alcoholic beverages, yourself, as a bartender?

**Mr Leach:** I would step in, but I'm not really good at that.

**Mr Crozier:** Like any good owner would do.

**Mr Leach:** Yes. Sometimes there's a need, and I'll do that.

**Mr Crozier:** Since you have that impeccable record, perhaps you can tell us how it is that you determine whether someone has had too much to drink or not.

**Mr Leach:** I do have my Smart Serve. It's very difficult, if someone comes into the hotel and immediately sits down, to tell at that point. Certainly eyes; certainly the way he is speaking; certainly his balance.

**Mr Crozier:** Or she.

**Mr Leach:** Or she, yes. Those are some of the ways. It goes on and on: how he or she may approach another customer, how they might be approaching the bartender or the food server.

**Mr Crozier:** That's fine. Not having been in the business, I was curious to know how, because you've had a good record. In today's society, as you know, your establishment has some responsibility, in fact a great deal of responsibility, when it comes to that, so I was just curious as to how that's done.

I think you've answered perhaps on your relationship with the Niagara Regional Police up till now. Aside from any specific infractions, not being involved that way, how would you describe your relationship with the police services in general?

**Mr Leach:** I would be accepted by them, as I accept—it goes both ways. I'm not connected with any one person. Some of them are customers, and a lot of them are not. My average age is 35 to 40 in my business. A lot of the young officers don't come into my place. But that would be my only relationship with them.

1100

**Mr Crozier:** One last question, and it's technical. I saw in the paper earlier this week that the Premier was golfing with some of his friends, Peter Minogue being one of them, but Al Leach was there. Are you any relation to that Leach—that Al Leach? I'm sorry. I didn't want to imply anything.

**Mr Joseph Spina (Brampton Centre):** Capital "L."

**Mr Crozier:** Yes. Are you any relation to Al Leach?

**Mr Leach:** The answer to that is no. It's the same spelling, unusual, because Leach is not often spelled "L-e-a," but no relation to Mr Leach.

**Mr Crozier:** Thank you.

**The Chair:** All parties have completed their questions. Thank you very much, Mr Leach, for appearing before the committee.

**Mr Leach:** Thank you very much.



## BILL FATSIS

Review of intended appointment, selected by official opposition party: Bill Fatsis, intended appointee as member, Health Professions Appeal and Review Board.

**The Chair:** The next individual to appear before the committee is Bill Fatsis. Mr Fatsis, as you know by sitting in the audience, you are permitted to make an initial statement if you desire to do so.

**Mr Bill Fatsis:** Yes, I do.

**The Chair:** Fire away.

**Mr Fatsis:** Mr Chairman and honourable members, good morning. I'm happy to appear before you today and present to you my qualifications for the intended part-time position to Ontario's Health Professions Appeal and Review Board.

More than 12 years of my adult working life I have devoted to public service. I consider such service as the most gratifying service that any individual may do for society and fellow citizens.

As administrative and legislative assistant to an Ontario cabinet minister from 1980 to 1985, I have, first, learned the process of law- and regulations-making and, later, how to understand and interpret them. Also, at the ministries of labour and consumer and commercial relations, I was exposed to the process of mediation and dispute resolution.

For a brief period in 1982, and in the federal political scene, I unsuccessfully attempted myself to be part of the political process and law-making, supporting that the multicultural nature of our country should be actively reflected also in our political system. Fortunately, after my political experiment, today most of Canada's cultural diversity is reflected in all levels of our government and public service.

This part of my life brought me to another public service, from 1986 to 1993, as a full-time member of Canada's highest quasi-judicial tribunal, the appeal division of the Immigration and Refugee Board. It was there, for seven years, that I was extensively trained and gained experience in how to adjudicate disputes fairly, in conformity with the law and with sensitivity and compassion in recognizing the cultural demands of an appellant. I strongly believe that my experience on this board has amply prepared me to serve effectively on Ontario's Health Professions Appeal and Review Board as well.

Thank you for your attention. I would be pleased to answer any of your questions.

**The Chair:** We'll begin with the government caucus.

**Mr Spina:** Just a short statement, Mr Fatsis. Thank you for coming before the committee. I'm not going to ask any questions, but I think it's clear from your background that you bring some excellent adjudication qualities, and we think you'll be a very strong member of an appeal and review board for health.

**The Chair:** Do any other government members wish to question?

**Mr Wood:** We'll waive our time.

**The Chair:** Thank you, Mr Wood. We'll go to the official opposition, either Mrs Dombrowsky or Mr Crozier.

**Mrs Dombrowsky:** Sir, are you a lawyer?

**Mr Fatsis:** No, I'm not. I have some legal training, but I'm not a lawyer.

**Mrs Dombrowsky:** Could you perhaps speak a little bit more about your experience as an adjudicator or in an adjudicating role? What experience do you have in that?

**Mr Fatsis:** As a full-time member of the immigration appeal division—now there are two divisions, the refugee division and the appeal immigration division. In all my service, I was at the appeal division, which, as I say in my statement, is the highest quasi-judicial tribunal in the country. Appeals rise to that board from persons who have been convicted and served time and then are deported. They have the right of appeal to that division. Applications of family members who have been refused come to that board as well. In my seven years at the board, I have had the opportunity to listen to some of the best lawyers in the country, not only in immigration law but regarding a lot of constitutional issues.

I should mention that the immigration appeal division, at least at the time I served—I don't know whether they've changed it now—observed judicially its own seal. We had the power to summon witnesses, subpoena. I think my seven years equipped me with some knowledge, not only in terms of being objective, of following the law, but it was the only legislation that allowed us to grant equity in a case on compassionate grounds. The rest of it was all legal arguments. I believe these qualifications are going to benefit me in the intended appointment.

**Mrs Dombrowsky:** That was a full-time role?

**Mr Fatsis:** Yes, it was.

**Mrs Dombrowsky:** I did note, in your opening remarks, that you made reference to the fact this is a part-time appointment.

**Mr Fatsis:** Yes.

**Mrs Dombrowsky:** You are aware, I am sure, of the backlog that exists with this particular board to which you would be appointed. Certainly comment has been made about some real progress that has taken place, but that progress is the result of a significant and, I would suggest, less than part-time effort on the part of the participants on the board.

Given some of your other activities and involvements we have on your curriculum vitae, it would be important for me to understand what kind of commitment you are prepared to make in order to address the serious backlog that continues to exist.

It's not as bad as it was; there is no question about that. That was really very unacceptable. But there continues to be a backlog. You've made reference to a part-time position, and I would be interested to understand your flexibility in offering your services in this role.

**Mr Fatsis:** I'm fully prepared to serve as needed. My business affairs at this moment allow me to have a lot of



available time, and as long as the board needs me, I would be there to serve.

**Mr Crozier:** Could you please tell the committee whether or not you are a member of the Conservative Party?

**Mr Fatsis:** I have been. I'm effectively out of politics since 1983.

**Mr Crozier:** At that time, did you—oh, back in 1983. Oh, well, that's far enough back; we won't even be concerned about it. You could be a whole new person by now.

When you served on the immigration appeal board, how many members were on that board?

**Mr Fatsis:** Initially there were 20, and then, because of a huge backlog, the board appointed additional members, including part-time. When the refugee problem became a huge problem, after 1990-91, more members were appointed. I think the total number in the end was more than 45.

**Mr Crozier:** In your experience on an appeal board—those of us who are laypersons may wonder, “Well, if an appellant was given the hearing that they should have prior to that”—what factors arise when it comes to that final appeal, which may result in the decisions of others being turned over?

**Mr Fatsis:** It's interesting that you raise that question. In all my years, when I looked at the record, it sort of looked very black and white. When you see a flesh-and-blood person in front of you, then all kinds of other factors come into play.

Of course, at all times you have to follow the demands of the law. Whether you feel one way or another, you are restricted in your judgment. But as I said earlier, in our role at the immigration appeal board—and that role was unique in the country; as far as I know it doesn't exist in any other tribunal—compassionate grounds came into play, and you do extend that, because all people are basically good, they have good aspects. You, as an impartial adjudicator of all the facts, with all the circumstances in front of you, have to be taking all these factors into account.

1110

**Mr Crozier:** Could it be that just a gut feeling would enter into your decision?

**Mr Fatsis:** It depends on the case and the difficulty of the case. Often, gut feeling is not enough. That's why I think that to play your role as an independent adjudicator effectively, you have to have the proper training, you have to know the law and the regulations, and if you feel your personal aspect has a role to play within those boundaries, then you extend it.

**Mr Crozier:** As an adjudicator and from your experience, if decisions had been made by other bodies, you would have no problem whatsoever overturning those decisions if you felt convinced?

**Mr Fatsis:** Not at all. As a matter of fact, most of my decisions were against the government of the day. They were all appealed by the appeals office of the immigration department, and they were all upheld by the federal

Court of Appeal and the Supreme Court of Canada. I think it's our duty to create precedents, if we can, if the case demands it. If fairness and the fundamental rules of justice demand it, I think it's our duty to do it.

**Mr Tony Martin:** I want to flesh out just a wee bit more your comment that you have not been involved politically since 1983. Do you hold a membership of any sort at the present time?

**Mr Fatsis:** Not now, no.

**Mr Tony Martin:** As I asked some of the other intended appointees this morning, of all the things you could apply to participate in—there's a myriad of boards and commissions in the province that require good people to participate and work on—why would you have chosen this one, and how did that sort of come about?

**Mr Fatsis:** It came by chance. A former colleague of mine who served along with me at the immigration appeal board asked me what I was doing in my business affairs, and I said that some things had not turned out the way I wanted them to and I had some free time. She suggested there was a backlog in that board. She knew my qualifications, and she suggested I apply to that board. That's how it was initiated.

Secondly, this board is very close to my heart, not only as a person with a family. Health is the number one issue in our lives. I come to that board with a clean slate and with some experience, as I've indicated. It's a very interesting issue and a very challenging position, and I think that attracted me to that board.

**Mr Tony Martin:** It certainly has a wide variety of things it can oversee. Could you talk a little bit about those? What does this board do?

**Mr Fatsis:** I haven't been trained, and my knowledge is really very general and broad at this point. I understand appeals to that board arise from the complaints committee of some 23 colleges that regulate health professionals in Ontario. Once a member of the public doesn't feel they have been treated fairly by a health professional, they have a right to be satisfied with all that the bodies which regulate that profession have done to satisfy him or her. If they are not satisfied by the decision of the committee, then they have the right of appeal for a review of the decision of that board.

Also, I understand that professionals coming from other jurisdictions who want to register in their profession and either don't receive the certificate of registration or are somehow limited in their practice—restrained—have the right of appeal as well.

I think the third major area is decisions by hospital boards in the province regarding the privileges of medical staff when they practise within the hospital. They have the right of appeal as well.

**Mr Tony Martin:** Of course you're aware, as you indicated a few minutes ago, that health care is a very important issue.

**Mr Fatsis:** Absolutely.

**Mr Tony Martin:** It's a very important service that government will receive and deliver in this province. At the moment we're having a difficult time getting it right,



and we have been for a while, sort of getting the right balance of everything. As the NDP, we hear on a regular basis from constituents who have one complaint or another that the system didn't work for them or whatever. When we take their very legitimate complaints and move them forward, we expect they will be looked at by people who understand and who have some experience and knowledge.

Earlier you mentioned you are guided very much in your decisions by the law. But don't you think it would also be helpful to have had some experience in the health area? How much of that do you bring to this?

**Mr Fatsis:** I don't have any experience in the health industry or the health professions, other than the layman's knowledge of what's going on. I believe that's not necessarily against my role. I think that coming with no preconditions or preconceptions of one position or another, you go to the job and you are supposed to do what you are supposed to do. If you have the right, by your decisions, to advance the causes in that area, then you do. As I mentioned earlier, it's your duty to do it. But I'm not sure that in my role as a part-time member of that board I would be changing other policies where I would have the power to do so. I don't believe I would. But unless I am there and I know what's involved—my lifelong aspiration has been to contribute to society and change things for the better, and if I have that opportunity, I am one person who would be involved in that and recommend either to the chair or to other bodies within my powers in my role. As I said, I cannot do anything I'm not supposed to do in terms of the regulations or the law or what's proper.

**Mr Tony Martin:** I'm certainly not one who supports the position the Premier put out early in his term as head of this province, which was that in appointing people to various things, too much information and too much knowledge is not necessarily a good thing. I believe in as much knowledge as you can have, as much experience as you can fall back on in making decisions about some very complicated and important issues for communities.

For example, in my own community recently there was a doctor who left, came back, applied for privileges and was turned down initially. Then, through a very complicated and detailed process of appeal, and with support from the community and a discussion in public, a decision was made that I believe was in the best interests of the community. But had he been turned down, given what I heard from the community, from the professionals who worked with him, from his patients and others—mind you, it's stacking that up against other people's experience—it becomes quite delicate. I would like to think the person ultimately overseeing the decision about that, which would affect my community one way or the other in a very significant and important way, would have some prior knowledge and experience to fall back on, and it concerns me that you don't have any.

**Mr Fatsis:** If I understand your question properly, it is that since I don't have any knowledge or background in the health area, it might be difficult for me to contribute

positively. As I said, I'm not convinced that's a negative aspect as long as you know the regulation regarding that profession or that case and you have common sense. I believe that is the reason this House, in its wisdom, enacted the legislation and took away the professionals from the hospital appeal board, for example. As I understand it, by that legislation there were two medical staff present, and a judge or a lawyer, and there were only two laypersons. I believe the issue of health, as long as you have the concern of the person or the case before you and you study the law and the demands—I think you can have a fair decision, an objective decision, without being a doctor or a health professional yourself. I believe that's true of any role. In most of the other agencies I'm aware of, whether it was the chairman or other members, they don't necessarily belong to the profession for the subject they're dealing with.

1120

**Mr Tony Martin:** You'll probably agree with me, though, that in moving toward a more balanced board oversight, they didn't move to just completely eradicate anybody who—I think there was an understanding and a feeling that you needed at the table that expertise to add to the discussion, and ultimately the decision.

**Mr Fatsis:** If I may add, if I understand the role, as I said, from the very little knowledge I have of the role of the board at this point, as a member of the board you are looking basically at two things: whether the investigation was adequate regarding the case that came from the college or the hospital board, and whether the decision was reasonable. So what you really need is the training to adjudicate and take into account those factors that will lead you to a fair and objective decision.

**The Chair:** Thank you very much, Mr Fatsis, for appearing before the committee, and you may do whatever it is you wish to do today.

**Mr Fatsis:** Thank you, Mr Chairman.

#### MARY ANNE MCKELLAR

Review of intended appointment, selected by third party: Mary Anne McKellar, intended appointee as vice-chair, Ontario Labour Relations Board.

**The Chair:** The next intended appointee is Mary Anne McKellar, intended appointee as vice-chair, Ontario Labour Relations Board.

As you are likely aware, Ms McKellar, you are permitted to make an initial statement should you choose to do so. That's totally optional. We simply subtract that from the government time.

*Laughter.*

**The Chair:** Welcome to the committee.

**Ms Mary Anne McKellar:** I did prepare some very brief opening remarks. I'd like to thank you for this opportunity to address the committee. I intend to use this time to highlight briefly those aspects of my background that qualify me for appointment as vice-chair of the Ontario Labour Relations Board, and I'll refer to it probably throughout as the "OLRB."



Starting with a bit of history, if you've had an opportunity to review my resumé, you'll know that I graduated from the faculty of law at the University of Toronto with an LLB in 1985. I was called to the bar in Ontario in 1987 following the completion of my articles and the bar admission course. My articles were completed at the Toronto law firm of Koskie Minsky, where I also worked as an associate lawyer with the title of director of research from 1987 until the end of 1990. Then, as now, a significant portion of Koskie Minsky's practice, and my own practice at that firm, related to labour and employment law and employee benefits. Although the Labour Relations Act and practice before the OLRB has seen a number of changes since 1990, I feel confident that my understanding of fundamental labour law principles will permit me to quickly grasp and apply the Labour Relations Act, 1995, in the proceedings before me.

Perhaps more germane to my qualifications to sit as a vice-chair of the OLRB is my experience in the agency sector, which now encompasses almost 12 years as a neutral. From January 1, 1990, until September 1992, I was solicitor to the Pay Equity Hearings Tribunal. From September 1992 until the present, I have been a vice-chair with that tribunal. Like the OLRB, the Pay Equity Hearings Tribunal is a tripartite quasi-judicial administrative tribunal that resolves workplace disputes surrounding the implementation of pay equity. I suppose that aspect of it is different from the Ontario Labour Relations Board. These disputes relate to both non-union and unionized workplaces, and in the latter situation, issues may arise with respect to the integration of pay equity plans and collective agreements.

I think it's fair to say that knowledge of employment and labour law is a prerequisite to the effective adjudication of pay equity disputes. What my experience at the Pay Equity Hearings Tribunal has provided me with, then, in terms of skills to bring to the OLRB is the ability to run an effective hearing, to write a reasoned decision at the end of it, and to function as part of a tripartite panel.

From 1994 to 1996, while I was a vice-chair with the Pay Equity Hearings Tribunal, I was cross-appointed as part of a pilot project to the office of adjudication, which was at that time responsible for hearing appeals from employment standards officers—orders or refusal to issue orders under the Employment Standards Act. My estimate is that I heard at least 20 employment standards cases and issued decisions on them during that time. I became quite familiar with the provisions of that governing legislation and I feel that experience is quite clearly of benefit to an OLRB vice-chair because, as you know, jurisdiction over those appeals has passed from the office of adjudication to the OLRB.

Since 1995 I've been a vice-chair of the board of inquiry, which adjudicates cases under the Ontario Human Rights Code. The majority of the cases referred to the board of inquiry by the Human Rights Commission relate to complaints arising in the context of employment

relationships, some of which implicate the provisions of collective agreements. This aspect of my experience, I would suggest, has further honed my skills in running hearings and writing clear and cogent decisions. Additionally, board of inquiry hearings, like employment standards hearings, at least in my experience of the latter, frequently involve parties who are not represented by counsel. I find that it can sometimes be challenging to strike the appropriate balance between fairness to all parties in the hearing and accessibility to those who are not represented and may not be familiar with the adjudicative process. I think, as a result of my experience hearing these kinds of cases, I developed the flexible skills that are necessary to meet those challenges.

Both the Pay Equity Hearings Tribunal and the human rights board of inquiry, on which I sit now, are committed to pre-hearing mediation and case management processes. Mediations and case management pre-hearings are convened by vice-chairs, which is the title I have there, and I've been involved in a substantial number of them. Although I realize that there is no formal mediation role assigned to vice-chairs at the OLRB, I also appreciate that under the Labour Relations Act they now engage in what's called a consultation process, which I believe shares some similarities with the case management pre-hearings that I've conducted and am familiar with. I know that also sometimes those consultations result in mediated resolutions of disputes. As a consequence of that, I think that my mediation and case management experience would assist me in my performance in that consultation process.

As a final note, I'm able to and have convened hearings, pre-hearings and mediations in French.

Thank you for your attention. I welcome any questions.

**The Chair:** Thank you kindly. We begin with the official opposition.

**Mr Crozier:** Good morning and welcome to the committee.

You certainly have an extensive background, and I don't intend to question you on that, but I wonder how you feel about something I happened to read in the media this morning with regard to appointees to government agencies, boards and commissions.

I should ask first, how long is the term of your appointment?

**Ms McKellar:** I believe it's three years.

**Mr Crozier:** What's the salary with that?

**Ms McKellar:** The salary range is the same as I currently get, so I believe it's \$89,000.

**Mr Crozier:** We read that effective March 1, all new government appointees or persons who are appointed for second terms—and that's why I need your opinion—will have to sign a detailed agreement setting out the terms and conditions of their appointments. Among those conditions are: not to leak anything to the press or public; to meet certain performance standards; and “to comply with all applicable government policies, directives and guidelines, as set forth from time to time.”



How would you feel, in the position that you're being considered for, if the government were to tell you, to direct you on how you are to carry out your duties as you see them?

1130

**Ms McKellar:** I guess I find the question a bit abstract. You mean if the government were to tell me how to decide a case? Is that the suggestion?

**Mr Crozier:** It's more in your mind what they would tell you to do. All I know is that on reappointment, if they chose to reappoint you and you chose to consider it, you would have to comply with all government policies, directives and guidelines. I read this to mean that they would tell you how to do your job. How do you feel about that?

**Ms McKellar:** I'm sorry; I thought the first time you read it, it said—

*Interjection.*

**Mr Crozier:** I'd like her to answer that, Morley.

**Ms McKellar:** I'm sorry; I thought the first time you read it, you said "applicable policies and guidelines," and I think the question is, what is applicable?

**Mr Crozier:** Yes.

**Ms McKellar:** If I signed it, I would have to follow whatever was applicable, and I don't know who gets to decide what's applicable. I guess that's the—

**Mr Crozier:** I guess I'm trying to determine how independent you feel. Do you feel at arm's length with the government in the appointment that's being made? How do you feel going into this appointment?

**Ms McKellar:** I've been neutral for 12 years. I don't count my time as solicitor with the tribunal there. I think I've always been able to exercise independent decision-making and to act in an impartial manner and I don't foresee any of that changing.

I agree with you that if there is a problem with the independence of a tribunal or the impartiality of decision-makers, then that is a serious administrative law issue. But I can't really offer in the abstract an opinion as to how the directive or the press release you're referring to will impact on that.

**Mr Crozier:** Do you consider yourself an independent person? I can take it from that that you do.

**Ms McKellar:** Yes, I do.

**Mr Crozier:** That's fine. That's what I was after. Thank you.

**Mrs Dombrowsky:** The only question I would have for Ms McKellar is that I'm curious to understand why you might be interested in moving from your experiences with pay equity into labour relations. Why the change in your experience—

**Ms McKellar:** My pay equity appointment continues until the expiry of its term, which is March 31 of this year.

**Mrs Dombrowsky:** And you just decided that you'd like to—were you approached to consider this appointment?

**Ms McKellar:** How did I find out about this position?

**Mrs Dombrowsky:** Yes.

**Ms McKellar:** Most administrative tribunals, at least in my experience, or certainly in the labour sector—I guess people know that the chairs of those tribunals are always looking out for people who might be interested in working there. I am a former colleague, and I guess now a current colleague as well, of the alternate chair of the Ontario Labour Relations Board, Mary Ellen Cummings. Over lunch we had certainly discussed whether I would ever be interested in being a vice-chair at the board if they were looking for vice-chairs, and I indicated that is something that would interest me, to continue working as an adjudicator, that if an opportunity arose there, yes, I would be interested.

**Mrs Dombrowsky:** Does that mean you would have two full-time roles at the same time?

**Ms McKellar:** It's sort of interesting. I think I have to go back a little bit in history to April 1995, when there was an administrative merger of two tribunals under the Ministry of Citizenship and Culture: the Employment Equity Tribunal and the human rights board of inquiry, and the Pay Equity Hearings Tribunal, which is under the auspices of the Ministry of Labour. At the time there were a number of adjudicators. We were all cross-appointed to those various tribunals and it was I think arbitrarily—not arbitrarily decided. It was determined that one of those tribunals could be your full-time appointment; the other two would be part-time appointments. But in essence you would have one full-time employment, one salary.

**Mrs Dombrowsky:** Who determined that? You said it was determined. Who would have determined it?

**Ms McKellar:** It was the former government in April 1995 and it was a consultation, I presume, with the ministries of citizenship and labour. It was sort of a pilot project to have this administrative merger of these tribunals. So my pay equity appointment at that time was my full-time appointment. I had a part-time appointment to the Employment Equity Tribunal, which disappeared or was revoked along with the repeal of that legislation. I maintained a part-time appointment to the human rights board of inquiry.

**Mrs Dombrowsky:** Do you maintain full-time compensation in both roles?

**Ms McKellar:** Yes, I have one full-time compensation. I don't charge per diems; I am paid as if I were a full-time vice-chair of a single tribunal while I have responsibilities for adjudication under two.

**Mrs Dombrowsky:** I see, I think. It's not very clear.

**The Chair:** Thank you very much. We appreciate the questions. We now go to Mr Martin of the third party.

**Mr Tony Martin:** I first of all want to say that I'm quite impressed with your resumé. You certainly have an extensive background, if not directly in the area of labour relations, certainly in related areas. So you would bring to this position some knowledge, some history, some understanding; quite different from the previous intended appointee, who didn't bring any experience to the new position.



I'm of the contention that the role you play in adjudicating and making decisions is very important. You're sort of the last chance somebody has or some group of people have to have justice done in terms of their particular circumstance or whatever.

I do, though, have some real concerns about the agenda that is unfolding in front of us where labour relations is concerned and I guess I'd like to know how you see that and how you see that affecting your possible appointment here, and how you would carry out your functions in this environment that right now is quite volatile and difficult. I know, for example, in the whole pay equity piece of government right now there are a whole lot of workplaces out there in my own constituency which have not had their pay equity payments for quite some time, have been waiting a long time and continue to wait and find that quite frustrating. I'm wondering how you would see your role in this instance, trying to come to terms with some of that.

**Ms McKellar:** Are you speaking of the recent legislative reforms to the statutes I'd be adjudicating under?

**Mr Tony Martin:** Yes, the ebb and flow of labour relations legislation in this province: Bill 40 under the previous government, just the recent Bill 139 under this government, and how you would see that affecting your appointment here in this instance.

**Ms McKellar:** I think I've been insulated to a fair extent from that since I ceased private practice before Bill 40. So I'm getting the Labour Relations Act, 1995 now. Before that I believe there hadn't been amendments to the act, in essence, from 1975 till 1992. That's the legislation I dealt with at that time.

The government as it's constituted from time to time obviously gets to pass whatever legislation it thinks is appropriate and that's the legislation all adjudicators have to apply and interpret. It would be naive, I suppose, to say that there are not questions where that interpretation is a difficult exercise. The Labour Relations Act has a preamble that indicates what its purpose is, and one of its purposes is to foster collective bargaining. It also has a purpose section which indicates other purposes, including to enhance workplace democracy and various other things. I think that the board and its adjudicators have shown themselves able to balance the various values expressed in the act from time to time for 50 years. I would anticipate there would be no reason that I wouldn't be able to continue in that vein. I think there is a balancing.

1140

I'm not going to comment on my personal view of the wisdom of any overall government policy, if that's what you want. The legislation is there and I'll apply it fairly. What people expect when they come before you for a hearing is that you listen to them, that they get a fair hearing, that that's reflected in your decision and that they understand why you've reached the decision you have, and I think I'm able to do that very well.

**Mr Tony Martin:** You realize that you're doing it, though, in quite an interesting environment. The previous

questioner, the member for Essex, mentioned the piece in the media this morning which suggests this government is going to become quite involved in making sure that members of boards and commissions do what they're told to do and toe the line and follow the agenda of the government of this day. Certainly there's some question as to the interpretation.

You mentioned a few minutes ago the issue of workplace democracy. You can understand that with a labour organization's understanding of workplace democracy versus this government's understanding of workplace democracy as defined very narrowly in Bill 139, which is the right of employers to post how to break a union on the bulletin board of that workplace while at the same time not calling for the posting of how to form a union in a particular workplace, the environment has been poisoned, as far as I'm concerned, and it's going to be your job to try to sort through that poison to find some fairness in the middle of all of this.

I'm wondering how you will deal with what I consider to be a government that likes to meddle, particularly in the area of labour relations, because they see the very existence of organized labour as an impediment to any growth or prosperity that this province might experience. I have lots of labour organizations and workers come before me in my office who are looking for some redress around an issue, which they are having a hard time getting. You're their last hope.

I don't want to ask you to repeat yourself, but what I hear you saying is that you will be able to be an independent voice. What's your understanding of workplace democracy? What would be your interpretation of workplace democracy?

**Ms McKellar:** My understanding of the way it's used in the Labour Relations Act or in terms of the amendments that have occurred to the Labour Relations Act is that it's meant to be a rubric for all of the various kinds of votes that are now required to take place that didn't necessary have to in the past.

That's my understanding of what it's meant to refer to there. I used it merely as an example of an area where I anticipated you might question me, which was this very area, and just to illustrate the fact that I think the act is a complex piece of legislation. Any section that comes before you for interpretation has to be interpreted in light of the act as a whole: the act's purposes; how terms that are used in that section are used elsewhere in the act to the extent possible consistent with jurisprudence in other decisions of the board that are of persuasive value and have guided parties in their labour relations.

I think there are a lot of things that can potentially go into making a decision under the act. Yes, I do feel I'm independent and impartial and would listen to the evidence presented to me and the legal arguments made to me and be able to balance in a fair way all of those things which are sometimes in competition.

**Mr Tony Martin:** Were you aware of the new requirements that are now going to be asked of appointees to boards and commissions by this government before



you came here this morning, that you would now have to sign a document that says you won't do certain things? Does that cause you any concern in terms of this job and what it might mean for you in terms of your independence?

**Ms McKellar:** As I say, "an agreement to abide by applicable policies," without knowing what someone is going to suggest is an applicable policy—I guess I can't really comment without content on that. What was read to me this morning doesn't cause me concern. I suppose if that's used to encroach upon independence or impartiality, yes, that would concern me, but I have no reason to believe that it will.

**The Chair:** That's the last question. Thank you very much. We'll go to the government caucus.

**Mr Johnson:** I have just a couple of comments and a couple of questions too.

Ms McKellar, I am impressed with your education, with your background, with the list of your publications and presentations. I am impressed with the way you keep up with your education, your continuing education. I am also very impressed with your ability to express yourself in English, I notice Spanish, and you're also quite qualified in French.

My first question is, do you believe everything you read in the newspapers?

**Ms McKellar:** It depends what newspaper. No, I don't.

**Mr Johnson:** That goes right to my second line of questions, and they won't be very long or deep, because these will be political. I don't have any questions about your ability in labour relations, but politically, both the members for Essex and Sault Ste Marie have neglected to ask you the McCarthy questions, and they are: Have you ever belonged to the Communist Party of Ontario?

**Ms McKellar:** No, I haven't.

**Mr Johnson:** Have you ever belonged to the NDP?

**Ms McKellar:** I have never belonged to any political party in Ontario, a provincial or federal political party.

**Mr Johnson:** My main interest, of course, is in the Liberal or the Conservative Party. Well, that answers my questions quite clearly and succinctly, and I am glad to have those answered on the record.

**Ms McKellar:** On an interesting note, I actually have now, I believe, been called before this committee by all three parties present: in 1992, in 1995 and now. That may demonstrate something.

**Mr Johnson:** There's another reason I'm very impressed with you. Thank you very much, Ms McKellar.

**The Chair:** Ms McKellar, as you're probably aware, depending on who is the applicant, that last question gets asked a number of times, and members never ask it in a malicious sense, of course; they always ask it in a cheerful sense—let's put it that way. Thank you very much for appearing before the committee.

This completes our morning appointments before the committee. Shall we deal with the morning appointments, if that's all right with members of the committee?

In the concurrence in appointments, there will be motions made and no doubt some discussion. I shouldn't

say "no doubt." There may be some discussion. We will vote on them.

I am going to suggest that after that we try to have a subcommittee meeting, either before we start at 2 o'clock or right at 12, whatever is more convenient to the subcommittee—I'll be in your hands there—simply to discuss what rooms we might use in the future.

I'll put forward the intended appointees. The first one is Richard Brassard.

**Mr Wood:** So moved.

**The Chair:** Moved by Mr Wood. Any comment?

**Mr Tony Martin:** This morning we've had not all but a number of intended appointees before us here who are obviously coming because of their political affiliation as opposed to any, I think, balancing real interest in actually getting a job done. I suggest that we have an agenda unrolling in this province that is very damaging to a whole lot of very vulnerable people and that if we don't indicate very publicly and often our resistance to that and our objection to that in whatever way we have that's possible, then we become complicit in it. So even though Mr Brassard this morning answered some questions, very well indicating a keen interest in his community and wanting to do some things, I still have some difficulty with his direct affiliation and support for a program that in fact is putting the lives of some of our most vulnerable citizens at risk. So I won't be able to support this.

1150

**Mr Crozier:** I'd just put a couple of things on the record. With this particular appointment I sincerely believe that the gentleman being proposed, having been elected as mayor of Englehart, would be wise to have withdrawn his appointment, his recommendation for this committee, because he acknowledged that there could be a conflict of interest. I don't think he'll serve the committee well in that respect and frankly, if that is the case, I don't think he'll represent his constituency, his municipality, effectively. I looked at his background. He has a great background in local public service. I have absolutely no question with that. But I just think in this particular case it would have been wise of him and/or the government, after his election as mayor, to suggest that his intended appointment be withdrawn. So I will be voting against his appointment.

Just so Mr Wood doesn't misunderstand—apparently he said on television that we vote for all of the government appointments—this is one that I will not be voting for. In fact, I would ask for a polled vote.

**The Chair:** Any other comments before we go to the vote? A recorded vote has been requested.

#### Ayes

Johnson, Kells, Spina, Wood.

#### Nays

Crozier, Dombrowsky, Martin.

**The Chair:** The motion carries.



The second one we deal with is Cameron Leach, intended appointee as member, Regional Municipality of Niagara Police Services Board.

**Mr Wood:** So moved.

**The Chair:** The concurrence in this appointment is moved by Mr Wood. Comments?

**Mr Tony Martin:** I again recognize that Mr Leach probably brings to this all kinds of good intentions. I think that his being a proprietor of a business that sells liquor in the community could become a cause for some conflict, whether real or perceived, and I don't think we should be putting a community in that precarious predicament. Because of that, I won't be supporting this appointment.

**The Chair:** Any other comments? If not, I'll put the motion.

All in favour? Opposed? The motion is carried.

The third one is Mr Vasilios (Bill) Fatsis, intended appointee as member, Health Professions Appeal and Review Board. This concurrence is moved by Mr Wood. Comments?

**Mr Tony Martin:** I think the fact that Mr Fatsis has no background or experience in health care to bring to this position is a real drawback. I'm not a proponent of less experience, less information, no knowledge being better than a whole whack of knowledge, which sometimes seems to be the position of this government when it makes appointments of various sorts. I think it's really important, given the very delicate and fragile nature of what we're doing out there today under the aegis of health care, that we have people overseeing some of these boards and commissions who understand the system, who have some background in it and some knowledge of it and are connected to their communities in some way where that is concerned.

Mr Fatsis didn't convince me here this morning that he in fact has that, so I'll be voting against his appointment as well.

**The Chair:** Any other comments? If there are no other comments, I'll put it to a vote.

All in favour? Opposed? The motion is carried.

The next one is Mary Anne McKellar, intended appointee as vice-chair, Ontario Labour Relations Board.

**Mr Wood:** So moved.

**The Chair:** Mr Wood moves concurrence. Any comment?

**Mr Tony Martin:** I agree with this appointment. I think that Ms McKellar will bring to the job a wealth of experience and background. I liked what she had to say re her commitment to remaining independent and her concern if the government should all of a sudden show its head, as it has to some degree in the press this morning, and wanting to influence how some of these judicial and quasi-judicial boards exercise their discretion, and that she would be willing to question that or to challenge that.

There's a lot of integrity and experience here and I think it could serve us all well if she's appointed to this position.

**The Chair:** Any other debate? If not, I'll put the motion.

All in favour? Opposed? The motion is carried.

We have concluded the four appointees this morning. The committee will return at 2 pm. I'll ask those who are members of the steering committee if we can meet at 1:45, if that's possible.

**Mr Wood:** At 1:50. I have a meeting at 1:30. I'll get here as fast as I can.

**The Chair:** Mr Wood says at 1:50. Is that fine with Mr Martin and Mr Crozier? Thank you kindly.

See you this afternoon, folks.

*The committee recessed from 1157 to 1403.*

**The Chair:** We're ready to commence the activities of the committee. For Hansard purposes, we are now on the air.

Your subcommittee of the committee met and made an agreement. There was a motion authored by Mr Wood that reads as follows: "That, where possible, the committee sit in room 151 and that the committee receive fair allocation of the use of the meeting room."

It was carried by the committee, at the motion of Mr Wood, may I say. I'll put that before this committee. Does somebody want to move it in this committee?

**Mr Wood:** So moved.

**The Chair:** Mr Wood moves it. All in favour? Opposed? Carried.

*Interjection.*

**The Chair:** Carried anyway.

#### RICHARD DODDS

Review of intended appointment, selected by official opposition party: Richard Dodds, intended appointee as member, Council of the College of Physicians and Surgeons of Ontario.

**The Chair:** We have four appointments that we will be considering this afternoon. The first individual we will call forward is Mr Richard Dodds, intended appointee as member, Council of the College of Physicians and Surgeons of Ontario. Mr Dodds, would you come forward, please?

As you may be aware, you are welcome to make an initial statement to the committee if you see fit. We'd be happy to hear from you. After that is the committee interview. Each party is allocated 10 minutes in which to ask questions or make statements for you to respond to, or something of that nature. Welcome to the committee, sir.

**Mr Richard Dodds:** Thank you very much. Good afternoon, ladies and gentlemen. As I understand the process, I am here today at your request to answer your questions so that you may determine whether or not I am capable and qualified to serve on the Council of the College of Physicians and Surgeons. Over the next 30 minutes, I shall do my best to answer your questions and your concerns.

What I would like to do first is to summarize ever so briefly my resumé, which I presume you have in front of



you. Second, I would like to provide you with an explanation as to how I arrived at this table today and what I believe I can contribute to the college if my appointment is approved.

First, my experience: I've spent 33 years in education systems in Ontario, Germany, East and West Africa, and East Asia. I have been a classroom teacher, consultant, vice-principal, principal, superintendent of schools, and director of education and secretary-treasurer of the Metro Toronto school board. It's been my belief over the years that educators can become too narrow in their experiences and their thinking and, as a result, I tried to reach out and contribute beyond the work of the school system. For example, I served as the provincial and national president of a number of professional organizations, was deeply involved with the teachers' federation, served on the Queen's University council, assumed the chair of the economic development division for the Metropolitan Toronto corporation. I led trade delegations to Hong Kong, China, Thailand and Taiwan. I took a leadership role in the United Way campaign in metropolitan Toronto, served as an adviser to a number of business education ventures, and developed extensive skills in marketing and in communications.

In 1992 I retired from the school systems and opened a consulting firm with a partner from the private sector. As you can see from my resumé under the heading "Related Activities," our business became very extensive and diversified and took us through Canada and, in particular, East Asia. I have given many keynote speeches, run a good number of workshops and I have done some writing.

Currently I am completing a contract with the Vancouver School Board under which I have negotiated the opening of a joint venture school in Guangzhou, China. It has been an exciting three years, but frankly I am tired of long-distance travelling and have decided to bring an end to my consulting career.

At the same time, I am not ready to simply stop work. It was suggested to me by a colleague that I should pursue some of my other interests and perhaps serve on a provincial committee or agency. As a result, I contacted the Premier's office and was referred to the Public Appointments Secretariat. My attention was drawn to the Internet and the list of opportunities as outlined on the Internet, and I became intrigued by the work of the College of Physicians and Surgeons.

I asked the opinion of several family doctors and two specialists at the Hotel Dieu Hospital in Kingston, and to sum up their reactions, they suggested, "You would be ideal for the work of the college. We need non-medical people with broad experiences, desires and determination." As I asked them to expand, they considered invaluable my experience in a politically charged arena, my willingness and ability to listen, my communication skills, my ability to interact with people, my understanding of process and negotiations, my proven creativity and willingness to pursue new approaches to solving problems, my experience in supervising, evaluating and

counselling many personnel, and the fact, as one specialist said, "You've got energy to burn."

I must say I was flattered by the feedback, but I was also reminded that for the past 15 years, my wife's life has depended upon the skills, talents and dedication of family doctors and specialists. We have faced brain tumours, mini-strokes, heart surgery and severe migraines, and our doctors have been absolute saints.

It is my hope that once I have had sufficient training and gained sufficient knowledge, insights and understanding of the working of the college, I will contribute in some small way to solving the many challenges that are facing our health system today.

Finally, it is my hope that you will not make your decision today based on my current knowledge of the role of the college and the related legislation, policies and regulations, but on my potential as a public member for assisting the medical profession and the citizens of this province.

Perhaps at this point, Mr Chair, I could attempt to answer your questions.

1410

**The Chair:** Thank you very much, sir. We will commence, I believe, with the third party this time.

**Mr Tony Martin:** Thanks for coming forward today. Certainly your resumé, as a non-medical appointee to this college, is quite impressive. I was just wondering: you mentioned at the end of your input that once you got to know the workings of the college and the ins and outs of the day to day and all that, you would then like to contribute in some way to the improvement of the system of health care. How do you see yourself doing that, out of the role of a member of the college, which in some instances can be quite limiting?

**Mr Dodds:** I wouldn't try to sit here today—it's Mr Tony Martin, right?

**Mr Tony Martin:** Yes.

**Mr Dodds:** I can't see your name tag.

**Mr Tony Martin:** They face it toward me so that I remember who I am.

**Mr Dodds:** I wouldn't sit here today and attempt to solve or even suggest how to solve the problems and challenges that are facing our medical situation in Ontario, which is common right through the country. What I would like is to be able to sit down with people and listen very carefully—I have read the newspapers; I take all four newspapers in the Kingston area—to try to arrive at some kind of answer to some of the questions. It becomes very difficult to take any kind of position, but I would hope I would be able to listen to doctors and to the public and take their concerns, their complaints and frankly their positive points back to the college and try to build on those.

In no way do I suggest that one person or the college itself can solve the problems we are facing. The problems of the flight of doctors south, the things you read in the Toronto papers today and so on are massive problems that have developed over the years. It just hasn't started in the last little while.



It's not much of an answer, but I listen very carefully, I gather information, I try to take that information forward to solve some of the problems I have identified myself and that others have identified.

**Mr Tony Martin:** What would you identify as the major challenge right now, the biggest challenge?

**Mr Dodds:** The biggest challenge, I believe, is the lack of dollars, to begin with. But as we know, dollars in education and in other areas don't solve problems; they help. But the lack of doctors, the lack of doctors in rural areas, the flight of doctors south, the barriers that are being faced by foreign-trained doctors, the relative role of nurses and doctors—are there things that nurses and doctors could perhaps sit down and negotiate? I understand, and I may be wrong, that we have just as many doctors in this province today as we had five or six years ago, but the role of the doctor has changed, and we're going to have to look at that as well. Those in a nutshell—and there are other things. I suppose the list is endless.

**Mr Tony Martin:** What would your position be on, say, the big question of two-tier health care?

**Mr Dodds:** I mentioned the newspapers, and that's one of the concerns that came up, as you know, in the federal election. I'd pick up the Star and read their point of view, I'd pick up the Sun and read its point of view, I'd pick up the Globe and Mail and read their point of view. To tell you the truth, I frankly don't understand: Mr Chrétien, for instance, suggested there is no two-tier health system, others said there was, and in the end he said yes, there is. I don't know a good definition of two-tier medical assistance. I understand that people possibly can buy—is that right? I'd like to know the whole story before I take a definite answer and a definite position on it, frankly.

**Mr Tony Martin:** One of the roles of the college is to oversee the discipline of doctors and professionals under the Regulated Health Professions Act in terms of how they deliver their services and that kind of thing.

Your view again: is the college doing its job? Are there problems out there with professionals not living up to the standard, the qualifications or the expectations?

**Mr Dodds:** Up till now I've gotten my information from the newspapers. The billing issue is one that made headlines today. Of the 26,000 teachers in the province, I think 228 were being investigated and 55 charges have been laid, but they have not necessarily been found guilty.

I look at that and I say that 55 out of 26,000 is perhaps not a bad number. But frankly I would hope, if they are found guilty, that they are handled like any other citizen would be handled when found guilty. Certainly we've had some experience with that very recently in the Kingston area.

As far as malpractice and so on is concerned, I would not want to make a comment on that because I don't know. I know what I read but I just would rather not repeat what I read in the newspapers.

**The Chair:** Thank you very much. The government caucus.

**Mr Johnson:** Does anybody ever call you Dick?

**Mr Dodds:** Everybody calls me Dick. My mother calls me Richard when she's mad at me.

**Mr Johnson:** You grew up in Harriston and went to Norwell school.

Dick, we haven't seen each other for quite a while, but I just wanted to say that I am very impressed with your achievements. I know your high school principal, now deceased, lived long enough to see your graduation, if I can call it that, to director of education in East York. Your family, of course, is very proud of your achievements and I am proud to be able to say that I went to high school with you. Congratulations. I don't have any questions for you.

**Mr Dodds:** Thank you.

**Interjection:** Now you've really set him back.

**The Chair:** You may respond if you wish.

**Mr Dodds:** If Mr Johnson's comments do appear in Hansard, I'd like a copy to send to my mother.

**Mr Crozier:** I thought you were older than that, Dick.

**The Chair:** We now have the official opposition.

**Mrs Dombrowsky:** Welcome, Mr Dodds. It's always nice to have people from eastern Ontario come and pay us a visit at this committee.

I read with interest your curriculum vitae and your many activities and experiences in the field of education. You obviously are familiar with legislation and the administration of acts of the Legislature. Can you perhaps explain your familiarity or your knowledge of the Regulated Health Professions Act or the Medicine Act at this point? Have you had an opportunity to peruse them? Have you had any kind of in-service—I appreciate that while appointed members need not have a background in health-related issues, certainly part of your role will be to ensure that professionals are in fact following the law. I am just curious to understand if you've had an opportunity to review any of those laws that you will be dealing with.

**Mr Dodds:** No, I haven't taken the acts themselves and gone through them with a fine-toothed comb. I have a very brief overview of the three major areas: the Regulated Health Professions Act, the Medicine Act, and the Health Professions Procedural Code, which seems to drive the work of the college. But as far as having extensive knowledge or an intimate knowledge of those pieces of legislation, I do not possess that.

I know that the Regulated Health Professions Act does identify something different than I think is in other provinces: there are 13 controlled acts or procedures of high risk that the medical profession is indeed allowed to perform. I do know that the regulations create the college, they regulate the practices of the members, they identify the qualifications that members must have and they identify the professional development requirements and encouragements for the members. They talk about the whole business of ethics, and that's where we get



into, as Mr Martin commented on, discipline, investigating complaints and so on.

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When and if I become a member, I'm assured that there will be a lot of in-depth training. I understand there had been a paper prepared a few years ago that stressed that public members should have far more training than they have had in the past, and I think that has been taken into consideration and has now been initiated. I presume I'm going to have an awful lot of homework to do, but I can read acts and regulations. Been there; done that.

**Mrs Dombrowsky:** I'm sure that is the case. You indicated in your remarks that you became aware of a role with the council of the College of Physicians and Surgeons through your affiliation with the Hotel Dieu Hospital in Kingston.

**Mr Dodds:** Yes. Actually, my initial knowledge was when I called the public appointments office and they referred me to the list of opportunities. When I saw the physicians and surgeons opportunity, I then went to Dr Peterson and I also talked to Dr Howes and asked them about the opportunities. I said I didn't want a ceremonial position. I want some kind of a position where I'd have lots of work to do. They said, "You'll have lots of work to do in the college and we certainly would encourage you to pursue it."

**Mrs Dombrowsky:** But you were the one to initiate pursuing the role. You were not approached by someone to consider this.

**Mr Dodds:** No.

**Mrs Dombrowsky:** I see. Very good. Thank you.

**Mr Crozier:** Just a couple of questions. Good afternoon, Mr Dodds, and welcome. In your consulting business, international education services, have you ever consulted a provincial government on education issues or acted in a professional role in consulting to a government?

**Mr Dodds:** No.

**Mr Crozier:** Would you, as a consultant, then be a registered lobbyist to government?

**Mr Dodds:** No. We ran workshops on dealing with the government and we made those workshops happen. We brought in members to talk to people. But I myself, no.

**Mr Crozier:** In that area of government relations.

**Mr Dodds:** No.

**The Chair:** Any other questions from the official opposition?

**Mr Johnson:** I did have a question, if I could.

**The Chair:** I think you have some time left.

**Mr Johnson:** A little while ago I was up at OISE and you were awarded a special presentation. Tell me a little bit about that.

**Mr Dodds:** I was given an award by the Ontario Institute for Studies in Education for contributions to education. I was, quite frankly, flattered and delighted to get it because it usually is given to intellectuals. I considered myself a practitioner, not an intellectual, but I was just delighted to get that award.

**Mr Kells:** We don't deal with many around here.

**Mr Johnson:** And I was delighted to be there.

**The Chair:** I hope Hansard didn't pick up the comments of the member from Lakeshore.

Thank you very much, Mr Dodds, for appearing before the committee. You may step down.

**Mr Dodds:** Thank you.

## MILTON GREGORY

Review of intended appointment, selected by official opposition party: Milton Gregory, intended appointee as member, County of Prince Edward Police Services Board.

**The Chair:** The next individual to appear before the committee is Milton E.C. "Bud" Gregory. He is an intended appointee as member, County of Prince Edward Police Services Board. Mr Gregory, you may come forward. All those years I only knew your name was Bud. I was always trying to find out what your real name was.

**Mr Milton Gregory:** I tried to hide it.

**The Chair:** Mr Gregory, as members of the committee would know, is a former member of the Ontario Legislature from Mississauga. I'm probably the only one here who served when he did at that time a number of years ago.

**Mr Kells:** I did.

**The Chair:** That's right. Mr Kells did as well. Mr Kells has come back.

Welcome to the committee, Mr Gregory. As you know, you're welcome to make an initial statement, should you see fit.

**Mr Gregory:** Thank you very much. Good afternoon to members of committee. Thank you very much for the opportunity to meet with you to discuss the Prince Edward county police services board and, of course, my application to sit on that board.

I have lived in Prince Edward county for the past 13 years and I've tried to be involved in the community. Most of my involvement has been as a member of a small musical group. We entertain in seniors' homes and at local fairs and functions.

In the past I have had the opportunity to deal with police matters, first as an elected member of the council of the city of Mississauga and the regional municipality of Peel. Later on, I served as Solicitor General of the province of Ontario for a short time.

I became aware of the impending vacancy on the police services board only recently, when an acquaintance who was a member told me of his wish to resign. I have a basic understanding of the function of the board and feel confident that I will be able to function adequately given time and whatever training is provided.

I will be happy to address any questions that the honourable members wish to ask. Thank you very much.

**The Chair:** Thank you very much, Mr Gregory. I believe we start with the government caucus this time. Anyone from the government caucus? Mr Spina.



**Mr Spina:** Since Mr Kells is a little shy about reminiscing in his relationship with Mr Gregory, I'll be happy to say a comment. Mr Gregory, thank you for coming forward. In looking at some of the background that you've had, particularly with the Solicitor General's office and also your involvement as an elected municipal official, among a number of other things, I think you have some absolutely wonderful and excellent skills and talents that you can bring to the Prince Edward county police services board. We wish you well, sir.

**Mr Gregory:** Thank you, sir.

I should perhaps comment on that. You alluded to my duty as Solicitor General. I wasn't Solicitor General for very long so I wouldn't want it thought that I'm an expert in that department. It was sort of a passing visit. Mr Bradley would know the reasons for that.

**The Chair:** Any other government questions? I will now proceed to the official opposition, Mr Crozier.

**Mr Crozier:** I'm afraid to ask.

Good afternoon and welcome. Police services, obviously a topic of discussion across the province: the operation of police services boards, budgets, the cost of policing—because they are now a significant part of municipal budgets. It's my understanding—and perhaps you can help me with this—that police services boards were brought into being so it would take away from the local political influence that councils or councillors might have when it came to police services. Is that correct? I'm asking for your help on it. It's not a loaded question.

**Mr Gregory:** I don't really have an answer for that, but I like yours and I think I tend to go along with it. It seems that at one time they had commissions in the various large cities; whether they had them in small towns I don't know. My understanding and in my community we have Ontario Provincial Police, so the function of the services board is largely one of negotiations with the police department. They would have no control over them. Now I understand that's not quite the case in some of the larger communities where they have their own police force.

Don't get me wrong; I'm no expert on police services boards. This is my first experience and I'm looking forward to it, frankly.

**Mr Crozier:** What do you see as the expectation of the public of someone who serves on a police services board? If I might give you an example while you're thinking about it, when I was on a police services board, of course we were interested mainly in the administrative area, in the required size of the police service, as I say, as it relates to budget, because I was mayor of the municipality at the time. Yet I got the impression from time to time that the general public thinks that police services board members should have some direct influence on the day-to-day operation of police services. How do you feel about that?

**Mr Gregory:** I think it's very similar to what you're undoubtedly experiencing as an MPP, that your general public feel that you have, I won't say a lot more responsibility, but they feel you have a larger control

than what you actually have in that you're governed, first, by your party and by the Legislature itself. I think the same is so of police services boards. The public probably think they can come to you and have a ticket fixed or something like that. My opinion is—and, again, I don't know that much about it as yet—that they don't have anything like the power the general public feels they do. In the one in Prince Edward county, I think it's basically negotiations and direct liaison. Rather than the police having liaison with the council, they have liaison with the committee.

1430

**Mr Crozier:** My next question certainly wouldn't apply to you, because you have an extensive public background. I'm not aware that background checks are done for appointees to police services boards, and yet there are activities in the community, when someone is involved in particular boards or volunteer areas, where they do feel it's necessary to have background checks. Have you any opinion on that, or have you ever even thought of it?

**Mr Gregory:** I think it would be important to have a background check for appointees to boards such as this, for the obvious reason that you wouldn't want anyone with any kind of criminal background. I'm not aware that any study was done on my background. If it was, I welcome it. I hope they didn't find out the truth.

**Mr Crozier:** Yours is a very public record.

**Mr Gregory:** I would agree with you. I don't think it's like appointing someone as the chief spy of the country or something—it's not that important—but there should be some basic knowledge of the person's background.

**Mr Crozier:** I'm not necessarily advocating it either. I just wondered what your opinion was on it, and I appreciate that.

**Mrs Dombrowsky:** The OPP have now provided service for the newly amalgamated municipality of Prince Edward county for the past three years. Previous to that it was a combination, I believe: Picton had its own police force, and I think the rest of the county received the service of the OPP. Would that be correct?

**Mr Gregory:** I believe the OPP in Picton goes back a little longer than that.

**Mrs Dombrowsky:** Does it?

**Mr Gregory:** Yes. As I recall, it goes back at least 10 years. I've only lived in the county for 13 years.

**Mrs Dombrowsky:** Would it be your understanding that the people in the community are very pleased with the service they receive from the Ontario Provincial Police?

**Mr Gregory:** Very much so. You get comments that the people are very pleased at the job they do. As a matter of fact, certain personalities from the OPP have made quite a name for themselves by approaching schools and this sort of thing—a lot of outreach programs—and they are very popular, I believe. I've only lived in Picton proper for a very short time, so I can only give you that experience. I've lived in the county for 13 years.



**Mrs Dombrowsky:** Since you are reasonably new to the community, do you have the sense that you are well known, that you would be considered an approachable individual should residents have policing issues? Do you think they know you and would be familiar with you to say, "There's an individual we need to speak to with regard to a security issue or a patrolling issue"?

**Mr Gregory:** I really couldn't say, Ms Dombrowsky. When you live in the county you're not far from anywhere, as you know.

**Mrs Dombrowsky:** This is true.

**Mr Gregory:** For the first part of the 13 years I lived in Cherry Valley, which is not far from Picton. I believe I have gained a number of acquaintances, both through being a member of the golf club and being involved in this little band I play with. I even belong to a horseshoe-pitching group, if you can believe that, but it's true. I do have a number of acquaintances. I wouldn't begin to say my name is a household word, by any means, but I do have a working acquaintance with many of the influential people of the town. Again, I think if you ask the average person in Picton who Bud Gregory is, they'd say, "I have no idea."

**Mr Tony Martin:** You probably know a good friend of mine, who was elected at about the same time as you and has the same name, Bud Wildman.

**Mr Gregory:** Very well.

**Mr Tony Martin:** You were probably the two Buds in the Legislature at that time.

**Mr Gregory:** Yes, we often commented on that, that the two best members in the House were both named Bud.

**Mr Tony Martin:** Today we find out your name is Milton, and his name is Charles. I don't know if you knew that or not: Bud's real name is Charles Wildman.

**The Chair:** It's worthwhile having this committee for that reason alone, Mr Martin.

**Mr Tony Martin:** Given the myriad of things that somebody with your background—an impressive background, I might say—could bring to public service, why would you have chosen the police services?

**Mr Gregory:** Let me say I didn't go looking. I didn't approach anyone looking for a committee position, so I didn't specifically choose this, although I have had an interest in police work and I admire what the OPP has been doing in the county. As I mentioned in my opening remarks, when a mutual friend who is a member of the committee announced that he was resigning, I felt it was an interesting proposition because I do—as you no doubt feel, Mr Martin, you want to be a part of your community; you want to do what you can. This seemed to me an opportunity to do something for the community that I love very much. It's as simple as that. I'm sorry I can't make it more complicated, but it isn't.

**Mr Tony Martin:** That's OK; it doesn't need to be. As Mr Kells said a few minutes ago, we don't operate often from an intellectual capacity here as much as from simple capacity. We're all ordinary folks elected to give leadership here, and I appreciate that.

Community policing: what's your understanding of that and what it's about, and do you have any view on where it might go in order to develop further?

**Mr Gregory:** Community policing: my understanding of that expression would be that the police make every effort to go out into the community and negotiate with the schools, with the churches, with the people of influence to make their presence felt without being felt in a fearful way, if you follow me.

I like what the OPP has done. They've made every effort to liaise with the high schools and with the seniors. These, to me, are the two most important things in Picton regarding policing because, as you may or may not know—Ms Dombrowsky would know, I guess—Prince Edward county is not exactly the most prosperous county. It's the prettiest and the nicest place to live in Canada, of course, but it's still not necessarily the most prosperous, because of the lack of industry. It is also probably the capital, apart from Victoria, BC, of the senior citizens retirement area. Because of the recent problems with seniors and embezzlement, people trying to take advantage of seniors, I see that as a very important part of a community like mine with the OPP, that they should be aware of the problems seniors have with people trying to extort money from them, this sort of thing.

Because there's little industry in Picton there's little for the young people to do, apart from in the summer when they can go swimming, and that's about it. There's not much for them. So this could present a problem to the OPP with the young people. I see it as very necessary that they liaise with the young people and with the seniors to solve those two particular problems. Those are what I see as the most important in the community.

**Mr Tony Martin:** Just your comment on an issue that seems to be challenging everybody out there who's involved or concerned about policing at the moment. It's the issue of the role of the police associations in the whole equation, their power and ability to affect the oversight of policing and sometimes, depending on who you're talking to, the pressure they are putting on to affect in a limiting way the ability of the SIU, for example, to do its work in investigating where police officers have been involved; for example, in a shooting. There were some obvious examples of the police association getting involved: the True Blue campaign that happened here in Toronto, where they were raising money putting decals on the windshields of cars. That money was being targeted at one point to be used in political campaigns to make sure police-friendly people got elected. What's your view of that? I know from talking to some people who belong to the police services in my community that there's always a bit of tension between them and the police association and the administration of the police services in the community.

1440

**Mr Gregory:** I don't have an answer for you, sir. I know what you're saying. I believe it's necessary for police to have an association, as it is for any labour group



to have a union. I think it's a similar thing. If a police association starts to throw its weight around, then I think it probably has to be reined in, much as a labour union, if it does the same thing, has to be reined in a bit.

I don't believe in political campaigns based on utterances by the police association, nor would I believe in politics by the people who are opposed to these associations. I feel it's necessary for the police to have an association so they can converse with their brothers in arms, if you like. But if they are in a position where they're interfering with the carrying out of justice, then I'm on your side and I totally disagree with what they're doing. I don't know any better answer than that, I'm afraid.

**Mr Tony Martin:** There's an issue out there today that is certainly troubling, and I don't know what the answer is. But police, particularly the police involved in cracking down on organized crime, are finding themselves under threat when they're not on duty. Certainly the police association, it seems, is intervening in this, as I read the story, to suggest—and, I don't know, they may be right; I'm looking for your comment on it—that police should be allowed to have weapons when they're not on duty because of the threat that's out there now to their personal lives, I guess. What's your view on that?

**Mr Gregory:** I suspect this should be governed, number one, by the laws of the province, and number two, by the way the police department is particularly governed. There would be a difference, for example, as to how that would be administered in Toronto as opposed to how it would be administered in Prince Edward county, because it's all OPP. I don't know the position of the OPP in regard to that, but our community would be governed by that. If the Toronto police department and the council of the city of Toronto say the police should carry their guns when they're off duty, then I think that's the answer; they would do it. Whether I personally agree with it or not, I don't know. I can see instances where it would be very good to have an off-duty police officer with a gun. There are other instances where it would be fatal. Again, I don't know any better answer than that. I'm speculating and giving a personal opinion, and please accept it as that.

**The Chair:** The government caucus. You've done yours, haven't you?

**Mr Wood:** We'll waive our time.

**The Chair:** You waived yours. OK.

**Mr Gregory:** I think I frightened them years ago, Jim.

**The Chair:** Thank you very much, Mr Gregory, for appearing before the committee.

**Mr Gregory:** Thank you, Chairman. It has been a pleasure, ladies and gentlemen.

**The Chair:** We're going to check to see if Richard Margesson is with us yet.

**Mr Wood:** If he's not here, we can just move to the vote on the two we've heard.

**The Chair:** I'm for that. If we wish, we can deal at this time with the two we've already heard. That saves some time for us.

**Mr Wood:** I move concurrence in the intended appointment of Mr Dodds.

**The Chair:** Any discussion of Mr Dodds's appointment as intended appointee as member, Council of the College of Physicians and Surgeons of Ontario? No discussion?

All in favour of the motion of Mr Wood?

Opposed?

The motion is carried.

**Mr Wood:** I move concurrence in the intended appointment of Mr Gregory.

**The Chair:** We have a motion from Mr Wood to concur in the appointment of Milton E.C. (Bud) Gregory, intended appointee as member, County of Prince Edward Police Services Board. Any discussion?

All in favour?

Opposed?

The motion is carried.

## RICHARD MARGESSON

Review of intended appointment, selected by official opposition party: Richard Margesson, intended appointee as member, Council of the College of Nurses of Ontario.

**The Chair:** I understand Mr Margesson is in the building. I think Mr Kells is about to get him, so perhaps we could just wait a moment.

The next appointee, then, to appear before us will be Richard Margesson. Come forward, sir. As you may be aware, you have an opportunity to make an initial statement if you choose to do so. That's entirely up to you.

**Mr Richard Margesson:** Yes.

**The Chair:** You may proceed.

**Mr Margesson:** Thank you for inviting me to appear before your committee today. I'll briefly summarize my resumé, including the attachment.

In the private industries of finance and construction materials, I achieved well in the areas of management, sales, credit and union labour negotiating. Then, subject to corporate downsizing, I obtained a temporary position in customer service at a major bank, through an agency. The agency later sent me out on a job assignment with the province of Ontario where I continued to quite enjoy working in a variety of temporary and good contract jobs for nine years. I well learned how government works. Significant was acquiring excellent experience in investigations and a thorough knowledge of how tribunals operate pursuant to the Statutory Powers Procedure Act.

I hold a bachelor of arts degree, psychology major, from Wilfrid Laurier University in Waterloo. My highest well-developed innate strength is in client service. I can relate well to all levels of personnel. In almost every job setting, I have been able to streamline processes as well as increase morale and productivity.

This concludes my statement, and I'm now open for questions.

**The Chair:** We will proceed, starting with the official opposition.



**Mrs Dombrowsky:** Thank you very much and good afternoon. It's good to see you. We have had the opportunity to review your background that you have stated here for us, but I'm a little more interested in understanding what it is that has made you interested in a role on the Council of the College of Nurses of Ontario, since I didn't note in your background any health-related experiences or interests. Maybe you could explain what you think you would be able to contribute in this particular role dealing with the profession of nurses.

**Mr Margesson:** I'm not a professional in the health field, but I know from my experience in the government that it's best in regulatory bodies to have people who are not members of a particular profession, because if a regulatory body is only represented by its own members, there's a tendency for them to have their own view of the way things should be done, and my role is more to represent the view of the average citizen.

**Mrs Dombrowsky:** Could I ask why you would be interested in an appointment to a council for the College of Nurses?

**Mr Margesson:** With my government experience, I know the basic procedures and how they operate.

**Mrs Dombrowsky:** I really want to pursue why you would want to serve. There are a variety of government agencies, boards and commissions. I'm interested in understanding what your specific interest with regard to the College of Nurses is.

**Mr Margesson:** I have no particular suggestions at this time for the college. Also, they will be deciding, if I join them, what my duties will be.

1450

**The Chair:** Mr Crozier, do you want to ask some questions?

**Mr Crozier:** I still don't think we have the answer to the question. In fact, I could ask it another way. Did you seek to be appointed to this particular board?

**Mr Margesson:** No.

**Mr Crozier:** OK.

**Mr Margesson:** Not specifically.

**Mr Crozier:** You just—

**Mr Margesson:** I made it known to people in the government. I knew that I wished to continue with government service because I enjoyed it and I felt I was quite good at it.

**Mr Crozier:** I think that answers the question that Mrs Dombrowsky was after. Thank you.

Nursing today is in the public eye because of a shortage of nurses, for a variety of reasons. I know down in the riding that I represent there is a critical shortage of nurses in home care, partially because they are paid less than are nurses who serve in hospitals. Part of it is because we're a border community almost, that being Essex County-Windsor area, on the border with the United States. A number of nursing positions have been left vacant on our side of the border because they have gone to the United States. Are you aware of the crisis that some would perceive, and I do, in nursing services today?

**Mr Margesson:** Yes, I am aware of some of these problems and am also aware of the fact that the government is putting more money into the nursing profession. In fact, some of the colleges are expanding their facilities to graduate more of them.

**Mr Crozier:** If that's the case and the objective is met, perhaps three, five, six years from now we may have a number of those positions filled. But it's a real crisis today.

**Mr Margesson:** There are problems. I have not read any of the studies myself, so I don't think here that I could make any critique on them.

**Mr Crozier:** You didn't seek this particular board, but are you familiar, though, with the responsibilities of the board?

**Mr Margesson:** Yes.

**Mr Crozier:** What are those?

**Mr Margesson:** The whole purpose of the college is to regulate the nursing profession, and it does this by ensuring that people get quality health care. That's its main function.

**Mr Crozier:** OK. Many of these bodies are self-regulating in the health profession area, as is laid out in the Health Professions Act. Do you know the objectives of a self-regulated body, what they try to do?

**Mr Margesson:** Yes.

**Mr Crozier:** And what are—

**Mr Margesson:** They are all quite similar. They license the individuals that work in the field and they strive to achieve better services and they handle grievances if they occur and take disciplinary action when necessary. Sometimes grievances are dismissed because they are frivolous and vexatious.

**Mr Crozier:** Well then, if the self-regulated body does that, what do you see, beyond that, as the role of the college of nurses?

**Mr Margesson:** The body is made up of people from the general public as well as the profession, so there is a view presented by the profession and the general public who receive the services.

**Mr Crozier:** Thank you. I haven't any more questions.

**The Chair:** Mr Martin, unless Mrs Dombrowsky has any further ones?

**Mrs Dombrowsky:** Are you a member of any political party?

**Mr Margesson:** Yes.

**Mrs Dombrowsky:** What political party would that be?

**Mr Margesson:** The PCs.

**Mrs Dombrowsky:** Do you have any specific role? Are you a member of the executive?

**Mr Margesson:** No.

**Mrs Dombrowsky:** When I reviewed your resume, what would be your most recent work reference here?

**Mr Margesson:** It's management board of—

**Mrs Dombrowsky:** What are you doing right now?

**Mr Margesson:** I am a self-employed consultant. I do temporary work.



**Mrs Dombrowsky:** I see. Is that indicated here?

**Mr Margesson:** No.

**Mrs Dombrowsky:** I see. So you're self-employed and you do consulting work in the field of?

**Mr Margesson:** Just small business.

**The Chair:** Any other questions from the official opposition? If not, I move to the third party.

**Mr Tony Martin:** Thanks for coming today and sitting for these questions. I guess I'm having some difficulty connecting your past activity with your wanting to serve on this board and what you can bring to it. In your own community, are you on the board of your local hospital?

**Mr Margesson:** No, I'm not.

**Mr Tony Martin:** Have you served in any capacity on any advisory committees for health care?

**Mr Margesson:** No, so I have no conflict of interest at all there.

**Mr Tony Martin:** But you have no experience of the health profession?

**Mr Margesson:** No. I mentioned that earlier, but they have people who are not working in the profession as part of their council to represent the general public.

**Mr Tony Martin:** So you have absolutely no background whatsoever in the health care field—other than perhaps you have a doctor?

**Mr Margesson:** I'm not a professional in the health care field.

**Mr Tony Martin:** Because you answered a few minutes ago to a question around the role of the College of Nurses.

**Mr Margesson:** I'm sorry, I couldn't hear you.

**Mr Tony Martin:** You answered a question a few minutes ago about the role of the College of Nurses that simply said that the College of Nurses was to ensure that health care continues to be of good quality.

I suggest to you that it's much more detailed and complicated than that. It's involved in the oversight of some legislation that regulates the profession of nursing in the province. I have to say that—and I guess I'll ask your response to this—the nurses themselves, when asked about the operation of their particular college, suggest that their experience has been that public members of the College of Nurses are generally inadequately informed regarding many of the issues. For example, it becomes evident during council question periods that public members are often confused about the difference in scope of practice between an RN and an RPN. Do you know what the difference is, Richard?

**Mr Margesson:** Yes.

**Mr Tony Martin:** What is it?

**Mr Margesson:** A registered nurse has to take courses and be licensed to work as a nurse, whereas a registered practical nurse can just have some informal training in home care or something like that. They can't give needles or anything like that or medical advice.

**Mr Tony Martin:** Under the act that governs those professions, what can RNs do that RPNs can't do?

**Mr Margesson:** They can offer some medical advice and give some treatment.

**Mr Tony Martin:** Then they go on to say, "Considering the complexity of health issues today, it would be reasonable to expect that public members appointed to any college council have a related background in health care. Adequate education and training are essential components for public members of college councils and in the interest of public protection, ONA recommends that a more extensive orientation, training and education program be developed for public members of college councils."

So I guess my next question is, if it turns out that the government continues to support your appointment to the College of Nurses today, will you be willing to participate in extensive orientation, training and education programs concerning these particular acts?

**Mr Margesson:** Most definitely. I had to do that when I worked in a variety of assignments in the government, where some were quite new to me.

**Mr Tony Martin:** Do you know anything about the Regulated Health Professions Act?

**Mr Margesson:** I haven't studied the act in detail. As I said, my duties have not been made known to me yet.

**Mr Tony Martin:** OK, thank you.

**The Chair:** No further questions? The government caucus.

**Mr Wood:** Did you have an opportunity to review the functioning of the college prior to your name being put forward?

**Mr Margesson:** No.

**Mr Wood:** Did you—

**Mr Margesson:** I don't quite know what the timing is, what you mean. I was given what the objectives were for the college and what it is. It's a regulatory body.

**Mr Wood:** Have you studied what they do?

**Mr Margesson:** Yes.

**Mr Wood:** After studying what they do, did you come to the conclusion there are some areas that you could make a particular contribution in?

**Mr Margesson:** I couldn't enumerate any specific ones here, but every time I've joined an organization I've always been able to quickly identify areas of improvement and make recommendations.

**Mr Wood:** After you studied what the council does, you didn't identify any areas in which you thought you could make a contribution?

**Mr Margesson:** I don't think at this stage I'm in a fair position to be critical of what they're doing, because I haven't worked there.

**Mr Wood:** Those are my questions

1500

**The Chair:** Any further questions from the government caucus? If not, I would like to thank you very much, Mr Margesson, for appearing before the committee.

The next individual to come before the committee, who I thought I saw in the room just a moment ago—I



could be wrong—is Benoît Martin, intended appointee as member, Deposit Insurance Corp of Ontario.

Since he is not here yet, I think we could perhaps deal with a motion or discussion, should you see fit, of the last appointment we completed.

**Mr Wood:** I move concurrence for Mr Margesson.

**The Chair:** Concurrence is moved by Mr Wood. Any discussion?

**Mr Tony Martin:** The gentleman has absolutely no experience whatsoever, or seemingly knowledge, of the health care profession here, and he's going to participate with nurses to regulate a profession that is so central and core to delivery. We hear out there every day the tremendous pressure on nurses to do the job they need to do and how important they are. Flowing from that, I think we would want a college overseeing what they do to be knowledgeable and experienced and have some understanding and background in health care. Knowing this, I don't know how anybody could support the appointment of this gentleman to this position. On behalf of our caucus, I certainly will be voting against it.

**Mr Crozier:** I think it's obvious to all of us that we have an obligation, on any of these appointments, to attempt to get the best people we can for the job. I have some significant doubts about Mr Margesson. It would appear as though he is looking for a job. There is nothing wrong with that, except that if he were, I would hope he would be looking for a job in an area in which he felt he could contribute significantly.

I think several of us around this table tried to give him the opportunity to do that. When we asked if he understood a certain section of what his responsibilities might be, he would say yes. But when you asked him to explain it, he wouldn't be able to explain it.

I feel an absolute obligation to the College of Nurses of Ontario to attempt to get the best people we can for the job. I'm afraid, because of his presentation, if nothing else, that I'm not able to support this. His presentation was even weak. When he sits on this board with others who have a keen interest in it and who want to do the right job, I'm just afraid he's not going to be able to contribute to that. Therefore, I couldn't support it.

**Mr Spina:** With a lot of the boards, and it came up in the conversation, we like to have at least one or two, shall we say, John Q. Citizens—I'll use the words Joe Q. Citizen, better—on a board to bring an outside perspective to the board. A lot of these regulatory bodies, as we all know, need and do use that outside resource to be able to look at it far more objectively than people who are really close to and very familiar with it, which is important to have on those boards as well.

There may be any number of reasons why Mr Margesson may not have come across strongly, but I'm looking at his resumé, and clearly this man has a pretty substantial background in financial affairs. If there was anything that he might be able to contribute at that point—I understand what he says, that he has looked through the mandate such as has been presented by

legislative research or the assembly to describe the context of the position.

If I were being appointed to something I wouldn't want to say, right off the top, "Hey, I want to do that." Even when we, as elected members, get moved from one ministry to another as an assistant to a minister, you cannot hope to identify any one specific area that you would like to pursue and champion and work for on behalf of the minister until you've had a full opportunity to see the lay of the land, what the various projects are and what the various elements are of that particular field, or that ministry in this case. When asked what specifics he would be able to contribute, I can understand his answer in saying, "I haven't really decided until I get a better feel for what's there."

But I think Mr Margesson has an opportunity. He certainly has some pretty solid background in the financial field from when he worked within government ministries through to other areas, and I think he can provide that perspective as Joe Q. Citizen on the College of Nurses.

I know we've seen people who have been appointed to other boards. An individual I know—I'm not sure if he's from Mr Crozier's riding—sits on the College of Pharmacists. This man is not a pharmacist. He has never been involved in the medical profession, and yet he is now vice-chair and has been there for about three years on that board and has done a marvellous job, by all accounts from other members of that college as to the contribution he has made to that particular board.

I think the role a man like Mr Margesson can provide would be a very good outside and more objective perspective that would be needed on any association, any college, any governing body in this province.

**The Chair:** Comments or other discussion?

**Mr Crozier:** Just briefly, Chair. I'm not so naive as to think that—you don't want to turn down a government appointee. It just doesn't look good. I agree with much of what you've said in the point that you don't have to be a pharmacist to be appointed to the pharmacists' board. I understand that.

I'm saying that I think there must be better appointments out here than this gentleman. If this committee is going to have any credibility whatsoever—and those of us over here get frustrated from time to time, I'll admit—we have to give a very objective assessment and vote on an issue so that we really feel that person deserves to be appointed. I think the best advice we can give to the government on this particular appointment is, think about it one more time before that final appointment is made.

**Mrs Dombrowsky:** My final comment is with regard to Mr Spina's reference to Joe Q. Public. I want you to understand that I personally am offended by that reference. There are far too many Joe Q. Publics appointed to these boards, commissions and agencies, and not nearly enough Jane Q. Publics. Just think of it. Go back and look at your record. How many Jane Q. Publics do you appoint? I would suggest that even in this particular case, you would have done well to make that consideration. So



I would request that those kinds of references not be made in the future.

**Mr Wood:** I ask that this vote be deferred one week.

**The Chair:** Is that a motion?

**Mr Wood:** I don't think I have to make a motion. I think if any party requires that it be deferred, the vote is required to be deferred.

**The Chair:** Thank you very much, Mr Wood, for that suggestion, motion, whatever.

**Mr Wood:** It is a request which carries with it the force of the rules.

**The Chair:** It is a request with which this committee is most willing to comply.

Is our next appointee here yet?

**Mr Wood:** Mr Chair, we will need about a five-minute break.

**The Chair:** I would be happy to provide a 10-minute break, if you'd like.

**Mr Wood:** Thank you.

**The Chair:** We'll adjourn for 10 minutes.

*The committee recessed from 1511 to 1522.*

#### BENOÎT MARTIN

Review of intended appointment, selected by official opposition party: Benoît Martin, intended appointee as member, Deposit Insurance Corp of Ontario.

**The Chair:** We're going to call the committee back to order now. Next is Benoît Martin, intended appointee as member, Deposit Insurance Corp of Ontario. Welcome to the committee, Mr Martin. You are welcome at the beginning to make an initial statement, should you see fit. That is entirely your choice, sir.

**Mr Benoît Martin:** Just a few words. First of all, thank you for waiting for us. I know we were told we should be a little faster, so we had a driver who sped up Yonge Street and managed to get us here on time.

**The Chair:** I assure you that you are here even ahead of your scheduled time, so there's no need for an apology at all.

**Mr Benoît Martin:** Perhaps just a few words to tell you a little bit about my background. I spent 20 years in the caisses populaires, the last six of those as president of the board. Prior to my 20 years in the caisses populaires, I spent 20 years in the scout movement. I thought I'd mention that because I was up north and in various other places in Ontario as a young military person and it gave me an opportunity to meet people in their local areas. The caisses populaires have done something similar, where we visited most parts of Ontario, and it gave me a chance to meet with the people. I enjoyed that part.

Having said that, I believe I didn't submit my name with the group I'm looking at now. It was la fédération des caisses populaires that submitted my name to DICO. I thank them for doing that, because I believe that if I looked at it now versus about 10 years ago, when there was all kinds of deficit and so on—perhaps it was harder to get members to join DICO. But now things are running very smoothly. They're getting out of debt, and it seems

to be the time now to help the communities a lot more. So I'm anxious to join that group if they'll have me and if the committee here finds my name acceptable.

I'm here to respond to any questions you may have and I'll be glad to go into details.

**The Chair:** Thank you very much, Monsieur Martin. We will begin our questioning with the third party.

**Mr Tony Martin:** I don't know whether I should right off the bat declare a conflict of interest or something here because we're appointing somebody to a body that will oversee a whole lot of my money.

*Interjections.*

**Mr Tony Martin:** When your leader turned all of our pensions into the market, I had to put it somewhere.

**Mr Crozier:** You'd be well over that \$100,000, then, wouldn't you?

**Mr Tony Martin:** Yes, I was one of the people who got a little bit more than some others, and I'm thankful for that, and I'm thankful that the credit union was there to deal with it and that they had available some vehicle that spoke of ethical investment, which I think is really important in the world we live in today.

Having set that aside, I guess it's obvious, but I just want you to speak to it anyway, obvious from your background and the work you've done over the last number of years, why you would want to serve on this corporation. Perhaps you could expand on that a little bit. Why do you want to spend the next few years of your life doing this kind of thing?

**Mr Benoît Martin:** As you know, I recently retired from the electronics field. I was an engineer and travelled quite a bit outside the country. I've always had an interest in helping the community in various activities. Through this board, they're helping, making sure that the credit union and the caisse populaire can stay active, making sure that they have a proactive role these days trying to make sure that these units are well governed. As you know, as a matter of fact, they won the award, the DICO corporate governor's award, which was issued on the national level. So it's a very good board. The people are very implicated in their community and so on. If I can help in any way with my background, I'd like to do that.

**Mr Tony Martin:** You know and I know, and I'm sure people around this table understand, that the credit union movement has come a long way in the last few years. I know that we have two very significant credit unions in Sault Ste Marie, Northern and ASCU. I'm not sure about the origins of ASCU, but I believe it was the workers at Algoma Steel. Maybe Mr Spina would know, because he lived in Sault Ste Marie longer than I did. He was born there and grew up there. The ASCU credit union was initially the steelworkers pooling their money so that they might lend to each other so that they could buy cars and probably refrigerators and things of that nature. It has grown into a fairly substantial financial institution now. I know that Northern was started in the basement of Len—

*Interjection:* Len Strom.



**Mr Tony Martin:** Len Strom. He started it in the basement of his home. That credit union now has branches in almost every small town in northern Ontario. Some branches in smaller communities, because the banks moved out—it wasn't financially profitable enough for them to stay there, and the credit union moved in to provide the kind of very basic financial services that communities of the nature that you find in northern Ontario are in need of if they're going to have any kind of an economy. So we know where the credit unions have come from, and we can see how well they've done over the last few years and the kind of service they provide.

When you compare that, the very personal service and the continued focus on member care, which is a branch of the credit union now, to what I perceive to be a new focus of the major banks, which is more in investment and managing money as opposed to actually servicing individual members who have accounts there, where is the credit union movement going, in your view, and what role do you see yourself playing or being able to play as a member of this particular corporation to see that that in fact happens?

**Mr Benoît Martin:** When you mention that, let me tell you, in some of these small areas, as you identified, sometimes the local credit union or *caisse populaire* is the only organization in that small town where people actually meet on various occasions, and the *caisse populaire* or credit union sometimes makes sure that there is activity they can sponsor to make sure the people do meet on various occasions. I think they have done extremely well in various parts of the country.

1530

As you mentioned so rightly, some of the banks can't afford to stay in communities where there is less than \$15 million or \$20 million because there is not enough money to be made, whereas the credit union or *caisse populaire* will still go in there. Sometimes they're not making very much money but they are giving satisfaction to the people and a service to some of the people. Otherwise these people, especially small businesses that can't have any banking service—it's extremely hard on them.

Yes, they definitely have a position in the future. I think the DICO is helping to make sure that they stay financially viable. If well monitored, I'm sure they can go on for a long time. Mind you, they have to adapt to the new technology. It's a little harder in some of these areas, but soon we have to use technology if we want to stay abreast. With my background as an electrical engineer, electronic engineer, it's certainly going to be one of my interests in DICO to make sure that we do, if we can, help some of these smaller credit unions stay active in their community, to help them.

**Mr Tony Martin:** You mentioned the smaller credit unions, and it brings up the issue of how healthy they are and how stable some of those small institutions are. Could you speak about that for a minute and perhaps share with us what you think the government, perhaps in partnership with the deposit insurance corporation, might

do to alleviate any concern anybody might have out there about that?

**Mr Benoît Martin:** DICO is a supervisor of these activities. First of all, it collects all the data, all the information. I remember when I was in the organization—they have to collect all this information, at arm's length, to monitor what's happening out there.

What can be done in the future to help them is that perhaps even small companies—I remember in the electronics business, sometimes a small company needs a big brother to help. This happens quite often. So it's possible perhaps that in some areas, sometimes the small credit union may need a larger credit union to help them stay afloat, maybe do the back office paperwork and various other things. There are all kinds of options with the electronic field coming up. I haven't been in the system for the last two or three years but I'm sure there are various ways now, with the new technology coming out, there are methods, especially when we look at—the governance of these credit unions needs to be well informed. This can be done now by technology, where they can take courses.

I remember talking to a small credit union one time and they said, "We have a bit of a problem in getting people for governance of our credit union. Because we're so far out, some of our people take 45 minutes to come to a meeting. They don't have time to come and do some training sessions, because it's too far away." But now, with the technology, they can do it much easier, with on-line training and various other technologies, to make sure these people are well informed on the latest information and trained in proper governance for these credit unions and *caisses populaires*.

Just to summarize, I think, yes, there is a future for some of these credit unions. The smaller ones that are operating in a basement and so on, maybe those will have to change their method of operation. Maybe they need to have another way. I haven't been in the system for a few years, but I'm sure there are ways to make sure they can still help the community. If they're attached to a larger credit union, they could probably help the community a lot more because, as you know, a small credit union cannot do a large loan. Nowadays, even a mortgage has to be fairly large. Sometimes it's bigger than what this small credit union can do. So by being attached to a larger one, they can do a better service to these people by at least giving them more money to be able to afford housing and so on.

**Mr Tony Martin:** Thank you.

**The Chair:** Thank you kindly. A member of the governing party, Mr Spina.

**Mr Spina:** Thank you, Monsieur Martin, for coming forward. Having had some experience in the trust company field personally for a few years in the management side, I can appreciate some of the roles, I guess, that you've played. With the years of experience that you've had with the *caisses populaires*, while you were involved with them, were they always a member of the deposit insurance corporation?



**Mr Benoît Martin:** You're mentioning if we were part—

**Mr Spina:** A member of the corporation.

**Mr Benoît Martin:** As you know, since the formation—when they used to be called OSDIC—a caisse populaire and credit union had to have that symbol on the door to be able to operate properly, so yes, the franco-phone group was certainly part of that. I joined in 1979 and they had just been formed a couple of years before. We were proud to display that sign in the window because a caisse populaire and credit union live with one thing: people have to have confidence in your financial institution. If they don't have confidence, you don't survive. So that sign in the window, Deposit Insurance Corp of Ontario, is most important. It should be very large to make sure that the—

**Mr Spina:** Instead of three—

**Mr Benoît Martin:** Not just a little symbol but a larger one. I think it's most important, because nobody's ever lost any money.

I think we give credit to all of the parties here, because I've dealt with each one of your parties at one time from 1979 to 1998. I think each of you, when I had an opportunity to deal with you, were helping the credit unions and caisses populaires, and I'm at least glad that each of the parties present here have certainly helped.

**Mr Spina:** I understand the confidence that the public perhaps would have in seeing that symbol. My question maybe is, it's a little tougher now. With all due respect to the gentleman that's in the audience here that represents DICO, But with the training and the experience level in management that you clearly indicated and the use of technology today in the financial services field, I wonder whether an organization like DICO, beyond the confidence of the public, would really have any relevance any more.

**Mr Benoît Martin:** They certainly do, because as you know, when you're dealing with a large group—and you're talking about 350-some-odd groups and being in various places of the province, and I had the opportunity to live in various places of the province—you need an organization to certainly help in the aspect of what we're talking about here, deposit insurance.

The other role that DICO is taking, as you've seen in their mission, is to be able to go a little bit beyond protecting the depositor. They're trying to, and I quote—they're helping to make it a financially sound business. If we go back to 1980, that was very hard to do, because if you remember when the interest rates were at 18%, 19% and 20%, maybe the government should have been the person really doing something for dropping those interest rates. The little companies were doing very badly in those days and thank God for deposit insurance in those days, because some of the companies just went belly-up.

We don't know what's coming up in the future. You certainly need an organization like DICO to be proactive and innovative and protecting and helping, working with some of these financial institutions to make sure that they stay healthy.

**Mr Spina:** I think you have a very solid background, and personally I'm pleased to support you. You have a very good grasp of the industry and of the workings of DICO.

1540

**The Chair:** Any other representatives from the government?

**Mr Wood:** We will waive our time.

**The Chair:** We'll go to the official opposition.

**Mr Crozier :** Bienvenue, Monsieur Martin. It's good to have you here. You certainly have an extensive background, and it's good to see that you've been encouraged to come forward by your peers.

Can you comment on the relationship, and perhaps the role, of caisses populaires and credit unions vis-à-vis the chartered banks?

**Mr Benoît Martin:** In the last several years the chartered banks, as you have noticed, are making more and more profits. Mind you, I don't think it's right to show the amount of profit they do. They should show that as a percentage of their capital investment. Regardless, I think it makes the common Joe very unhappy when he sees that the banks are making billion-dollar profits.

The first intention of the caisses populaires and credit unions is not—to start with, it's a co-operative movement. As a matter of fact, when I first joined 20 years ago, the biggest problem was that when they made a profit they returned it to their members. They didn't want to keep any profit. They were operating at baseline—no profit. Eventually, because of some bad years coming along, we had to convince them that yes, you need a certain amount of profit to maintain it in case you have a bad year. Their primary objective and purpose—like Alphonse Desjardins, the founding member in 1900—was to provide money to a member who could not get it from the banking institution. In some small areas the person who wanted money for something at some point could not get it from the bank because he didn't have proper information or any collateral. The credit union would help him because they knew where he came from. They knew a little bit more. They were closer to the member than the big banks were.

I think that may have changed a lot. Nowadays we don't want a credit union to lend money to be able to help without some kind of security. But they still work closer to the base. They'll operate in some areas where the banks do not even want to go because they're too small and there's not enough profit to be made. I think they're still helping various communities, especially some of those that are located far out of the beaten path.

In downtown Toronto there are some large credit unions, but you don't see caisses populaires because there's no demand for them. You don't create a caisse populaire in one area because you think it's good. The people themselves have to ask to get one. It's a different concept. You don't start something for the benefit of profit; you start from the people wanting something and then you help them create it, being a co-op movement.



I hope that answers some of it.

**Mr Crozier:** It did. I'm interested and impressed by the number of times community has been mentioned in both questions and answers, because certainly they are important to communities and smaller communities. I belong to the Woodslee Credit Union. I don't have nearly as much money invested as my colleague Mr Martin. I'm below the insured level.

It was good having you here today to answer questions the way you have and to present yourself, because we only see what's written on a piece of paper. It was a pleasure to have you here today. I certainly will support your appointment.

**The Chair:** The Chair of the committee seldom gets to say anything. I will offer a comment, with the indulgence of my colleagues: I do think your hours are much better than those of the banks, which seem to be returning to the hours that would cater to birds and farm animals perhaps, but certainly not to those of us who still wish to deal with a human being and not with a machine, although—

**Mr Kells:** You might as well talk to a wall.

**The Chair:** Exactly. I think my friend from Lakeshore is correct. I'm told it's a matter of age and attitude, but credit unions do seem to provide, let's say, more of that personal service than the rich banks. But I'm Chair of a committee and I'm not supposed to say those things.

*Interjection.*

**The Chair:** Thank you very much, Monsieur Martin. You may step down, sir.

**Mr Benoît Martin:** I encourage every one of you to encourage your local credit union or caisse populaire, if they are around. Thank you very much.

**The Chair:** We will now consider the final appointment. Mr Wood.

**Mr Wood:** I move concurrence.

**The Chair:** Any discussion? I'll put the motion. All in favour? Opposed, if any? The motion is carried. The appointment is concurred in.

Any further business to come before the committee? If not, we are adjourned until 10 am next Wednesday.

*The committee adjourned at 1546.*

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First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 31 January 2001

# Journal des débats (Hansard)

Mercredi 31 janvier 2001

## Standing committee on government agencies

Intended appointments

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Nominations prévues



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 31 January 2001

Mercredi 31 janvier 2001

*The committee met at 1005 in room 151.*

## INTENDED APPOINTMENTS

## MICHAEL JOHNSTON

Review of intended appointment, selected by official opposition party: Michael Johnston, intended appointee as member, McMichael Canadian Art Collection board of trustees.

**The Vice-Chair (Mr Bruce Crozier):** We've got some semblance of a committee here, so we'll get started and not hold our appointees up unduly.

If Michael Johnston is here, please come forward and make yourself comfortable. Just in case you're not familiar with the process, we have half an hour. You may want to make an opening statement, after which the time will be divided equally among the three caucuses. Welcome, Mr Johnston, and proceed.

**Mr Michael Johnston:** I thought I would take a few minutes giving you some idea of my background and career and, hopefully, giving you some idea of why I feel as strongly as I do about the McMichael art collection.

I was born and raised in southern California by a Canadian father and a US mother. I started in the newspaper business in Oxnard, California, moved to Eureka, California, and then on to Canton, Ohio. During this period I was on the board of many cultural and other charitable activities, concentrating mainly on education and the arts.

I moved to Toronto in 1980, where I served as a division manager for Thomson newspapers. In the next few years I moved through the ranks, finally ending up as president and CEO of Thomson newspapers and a member of the board of the Thomson Corp. I retired from Thomson in 1995 to pursue other activities in my chosen profession. During this period I got my Canadian citizenship so that I could fully participate in our country's affairs.

Shortly after I arrived in Toronto, I started visiting the McMichael on a fairly regular basis and enjoyed it thoroughly. I also went to the Art Gallery of Ontario, the Toronto zoo and all the other places and events this dynamic city has to offer, but I must say that we continually return to the McMichael.

Two or three years ago some friends of mine, who are on the foundation board of the McMichael, invited me to join in. As you are probably aware, the foundation board is the fundraising arm of the McMichael. I started par-

ticipating as a member. A little over a year ago I was elected chairman of the foundation board. I thought it would be best if the foundation were represented on the board of trustees. In looking into the bylaws and practices, it was apparent that the foundation board did have a representative, the chair, but it was one of four choices for the board that was made by the board. When Mr Braley became chairman and the new rules were brought in, I asked if he agreed with the principle that the foundation should have a board member. He agreed.

The foundation is intimately involved in the fundraising of the gallery. While its main emphasis is on raising endowments, we have been concentrating in the recent past on keeping the gallery going. As you are probably aware, it has been a very difficult period to raise money for the institution, but both I and the other board members believe we have a great opportunity and it's time to really get started doing our job. We think we have a wonderful gallery with great facilities. It is time to not worry about what happened or how we got here but how we are going to get ahead and meet the needs of the McMichael gallery.

1010

**The Vice-Chair:** We have about 28 minutes, eight or nine minutes each, so I'll let you know as the time goes on. We'll begin the questioning with the NDP member.

**Mr Tony Martin (Sault Ste Marie):** Thank you very much for coming this morning and lending your time and expertise to the public good of this province in the way you are indicating you want to do. Given so many opportunities that are out there today for people to participate in various ways in the public life of Ontario and given your obviously very impressive background in administration and oversight of some pretty impressive operations, why this particular appointment for you? Why would you choose to do this?

**Mr Johnston:** Firstly, I'm very interested in the arts, and secondly, the McMichael is a wonderful facility and I think people who think so should help. I think we can get over wherever we are. That's why.

**Mr Martin:** You understand that at the moment there is some controversy.

**Mr Johnston:** I do.

**Mr Martin:** We moved a bill through the House in the last session that created quite the debate about a number of things where this collection and its presentation are concerned. There seem to be two sides.

**Mr Johnston:** Yes.



**Mr Martin:** Where would you come down on that? What would be your position?

**Mr Johnston:** Probably in the middle.

**Mr Martin:** You see yourself as somebody who could marry the two interests here?

**Mr Johnston:** I think that's the obligation we have. I'm on the foundation now, and anybody on the board has got to marry the two sides and they've got to see how it can all work.

**Mr Martin:** How do you see the difficulty? How would you describe it?

**Mr Johnston:** In principle, I think if you talk to the McMichaels, they have a particular problem accepting where the gallery is going. I think it's important to remember that we, the people, owe the McMichaels a certain amount of respect. I suspect what happened in the recent past is that they didn't get that respect and that's why they feel the way they do. So I think it can be bridged.

**Mr Martin:** One of the issues is the breadth of art that's out there under the rubric of "Canadian," and the expectation or the understanding over the years that evolved, that the McMichael collection should be a place where that could be presented. Where would you personally draw the line there? There will be some difficulty. I'm sure there will be some difference of opinion. Some in the art community were very critical of the passing of this bill, which gave back to the McMichaels some degree of influence and in your opinion some of the respect they were due. Where would you draw the line there?

**Mr Johnston:** The first thing to remember is that the McMichaels always had the support. They always have been on the board and all the rest of that. I think what they've done is given them a little more definite line of authority, but it's still a minority position. I think what will be there is going to be good art. Mr Braley is dedicated to that, and that's what we're all trying to get to. I guess I can't answer specifically what I would accept, because I don't know what's presented. You have to be there. The gallery is fine. There are certain things I don't like, but there are certain things I don't like in all galleries. It's a matter of choice.

**Mr Martin:** If it came down to a decision that needed to be made and the board was split, and the McMichaels were insistent on a particular piece being in or not being in, where would you come down?

**Mr Johnston:** The board can't be split. It's three members of the committee and the McMichaels; that's the committee of the board, and as far as I'm aware, that's the way it will end up. But if you ask specific questions, it would be in the individual circumstance. I don't think you can say, "Here's what I like." I think you have to look at it.

**Mr Martin:** But you're obviously of the opinion, though, that their opinion had lost some of its clout, we'll say.

**Mr Johnston:** Their perception of their opinion had lost.

**Mr Martin:** What would you say to those who might be critical of this appointment simply because you've spent so much of your time in the States as opposed to Canada, and here's an institution that's trying to present and preserve a face of Canada that a lot of people have worked at over a long period of time and have stayed in Canada in some instances when they could have perhaps bettered themselves financially by leaving and going someplace else, and now you're going to be sitting on this board, somebody who hasn't spent his whole life in Canada, whose career hasn't all been here in Canada?

**Mr Johnston:** I was born in—it's pretty hard to make a decision when you're zero, but that's where I was born, in Los Angeles. I've been here since 1980. I've been a citizen since that time, or very shortly after that time. I think I participate fully in all the functions especially in this—the people of this area.

**Mr Martin:** Thank you very much.

**The Vice-Chair:** Just a clarification: of course the introductory time of an individual is taken away from the government's time. So in that instance the government caucus has seven minutes.

**Mr Bob Wood (London West):** Would you agree that the old approach was not working at the gallery?

**Mr Johnston:** The recent old approach?

**Mr Wood:** What was happening a few years ago was not showing results in terms of people coming to the gallery.

**Mr Johnston:** I think that's true.

**Mr Wood:** There was a problem that had to be fixed.

**Mr Johnston:** Yes, I think that's true.

**Mr Wood:** And one option for fixing that was to return to the original vision of the McMichaels?

**Mr Johnston:** I think that's what they attempted to do.

**Mr Wood:** Do you support that option?

**Mr Johnston:** If you talk about it in general purpose, yes.

**Mr Wood:** What is your artistic vision of the kind of art that should be in the gallery?

**Mr Johnston:** I suspect I would broaden it a little bit from the mandate, but not very much. I think there are some very good artists who are not in the Group of Seven, so to speak, and they should be, but it's very narrow.

**Mr Wood:** When you say "broaden ... from the mandate," do you mean you'd go beyond the legislative mandate?

**Mr Johnston:** The specific list, I think, is not broad enough.

**Mr Wood:** You would go beyond the legislative mandate?

**Mr Johnston:** No. It says "and other Canadian artists," so I think that's what I would say.

**Mr Wood:** What sort of Canadian artists could be complementary to those in the legislative mandate?

**Mr Johnston:** Like the original artists, not Impressionists.



**Mr Wood:** What sort of artists would you have in mind? Could you name a few artists who would come to mind?

**Mr Johnston:** I think the original mandate is good enough, to keep it as long as—I don't specifically want to name an artist, because I don't know what will come up. But I think that as long as the people making decisions—that's the committee—include somebody else; I mean, the committee would have to include another artist if they wanted one.

1020

**Mr Wood:** I didn't quite understand. There was a former vision which obviously the legislation has indicated shouldn't continue. The McMichaels have a vision. You were talking about some middle position. Was it a middle position between those two visions, or where was the middle position?

**Mr Johnston:** It was much closer to the McMichaels' when it comes to that. It's not a middle vision at all. I think the strict interpretation of the Group of Seven is too narrow. It's got to be some other things, and I think the legislation provides for it. That's what I've said.

**Mr Wood:** Those are my questions. Do we have other questions? We'll waive the balance of our time.

**The Vice-Chair:** We'll move on, then, to the Liberal caucus.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Good morning, Mr Johnston. You've indicated this morning that you have been a Canadian citizen for upwards of 21 years. Do you hold citizenship for any other country?

**Mr Johnston:** I came from the US, so I've retained that.

**Mrs Dombrowsky:** You are an American citizen as well?

**Mr Johnston:** Yes.

**Mrs Dombrowsky:** With regard to the management of the gallery, are you aware that initially the gallery was funded 100% by the province?

**Mr Johnston:** Yes.

**Mrs Dombrowsky:** Are you aware that at this present time, the gallery receives about 40% of its resources from the province?

**Mr Johnston:** Yes.

**Mrs Dombrowsky:** It has been presented, and we know, that the gallery is in financial difficulty, and it has been suggested that because the original mandate of the collection has changed, that has had an impact on the revenues the gallery is able to generate. Would you be of the opinion that the reduction in support of the government has had anything to do with the rather serious situation in which the gallery now finds itself?

**Mr Johnston:** I don't necessarily agree at all with that. I think the gallery can support itself.

**Mrs Dombrowsky:** Can you explain why you would be of that opinion, please?

**Mr Johnston:** I think it was overstaffed. There were a lot of extra people. They had a lot of programs that weren't paying their way. I think we can deal with the

budget as it is, and that would certainly have been adequate money to fund the past.

**Mrs Dombrowsky:** Do you know what the present operating deficit is for the gallery?

**Mr Johnston:** The one that they are—

**Mrs Dombrowsky:** The most recent deficit.

**Mr Johnston:** It's around \$2 million.

**Mrs Dombrowsky:** Two million dollars. So am I to understand that you believe you will be able to address that deficit situation as a member of the board—

**Mr Johnston:** No, I didn't say that.

**Mrs Dombrowsky:** —through administrative efficiencies? You were saying that they were overstaffed.

**Mr Johnston:** I'm saying that the present operating budget of the gallery, the one that's on the books now, is balanced, and we will make sure it stays balanced. The past is what we'll have to deal with.

**Mrs Dombrowsky:** You are aware that within the new legislation there will be an obligation for members of the board to divest the gallery of thousands of works of art, yet the criteria that would provide you direction to do that are very limited. Can you give me what you would have in your mind in terms of how you would determine what pieces of art should be divested and how that would happen?

**Mr Johnston:** I don't think anyone is in a position yet to say anything about divestiture. To my knowledge, the board hasn't addressed the question. It's only had two meetings, I think, since Mr Braley has been on it. One was Monday, and I am not aware of what happened there because I wasn't on the board.

We talked informally when I had a chance to talk about loaning some things to other artists, art galleries, all kinds of things other than divestiture. I can't say how many will be divested. I don't think it's a lot, but that's just my opinion.

**Mrs Dombrowsky:** It is my understanding that Bill 112, when it receives royal assent, will oblige the board of trustees to divest of artwork.

**Mr Johnston:** I didn't interpret it that way, but it may be. You may be right, but I didn't interpret it that way.

**Mrs Dombrowsky:** Does that concern you at all?

**Mr Johnston:** There's some artwork out there I don't like. I wouldn't have any problem at all divesting of that. With wholesale divestiture I would be concerned about the market. As with everything that happens in the art world, I think it's important that it be orderly, whatever they decide, and carefully thought out to make sure it doesn't create a problem in the market, if you're going to divest.

**Mrs Dombrowsky:** One of your statements did catch my attention. It would be that statement where you have indicated that there are some pieces of art that you don't like. Would it be fair to suggest, then, that you're saying that those pieces that you don't like would be the pieces you might advocate divesting?

**Mr Johnston:** I don't necessarily say that at all, because art is in the eyes of the beholder.

**Mrs Dombrowsky:** Exactly.



**Mr Johnston:** I don't set myself up as the paragon of virtue here.

**Mrs Dombrowsky:** With regard to the pieces that would be divested, there will be works of art that will be disqualified because they do not fit into a specific genre, but they continue to hold great value for the people of Ontario and indeed the people of Canada because they are creations of Canadian artists. There is a lot of concern about the fact that the gallery that many would suggest has evolved to be a superior reflection of Canadian art is now returning to a definitely more limited presentation of what Canadian art was during a period of time. What of these other works that thousands of people have come to the gallery to admire and enjoy these many years and that will no longer be in one location, conveniently located for the people of Ontario and the people of Canada to come to in one location in Kleinburg and be exposed to a significant, wonderful breadth of Canadian talent? Do you have an opinion on that at all?

**Mr Johnston:** First, I don't necessarily think there's going to be a great divestiture. On top of that, if the board and everything else determines that they are going to divest of some, that has to be done in a very orderly, methodical way so it doesn't hurt the art world, so to speak.

**Mrs Dombrowsky:** Perhaps not the art world, but my question did make reference to Ontarians and Canadians, who at the present time have the opportunity to go to Kleinburg to see a wonderful variety of Canadian pieces. Those works will be divested, and that was really a great—

**Mr Johnston:** That's not necessarily true. I'm not agreeing at all that those works will be divested.

**Mrs Dombrowsky:** Well, Mr Johnston, when I participated in the debate in the Legislature, that was certainly a large part of the issue around the bill, the fact that there was going to be—in fact, the bill required it; it was stated in the bill—divestiture of artwork.

**Mr Johnston:** There will be. I'm not arguing that there will be. I don't know—you say all kinds of people came out and looked at it and it worked, and they honestly appreciated it. I don't know that those are the pieces that are going to be divested. I don't think anybody knows what's going to be divested at this point.

1030

**Mrs Dombrowsky:** We are given to understand there will be 14 artists who will be recognized by the committee and that beyond that, the works of the other artists will be considered for divesting.

**Mr Johnston:** That is not my understanding.

**Mrs Dombrowsky:** My last question is with regard to your statement that you are very interested in the arts. Can you give me some examples of your involvement in Canadian art and how you have demonstrated your interest in Canadian art?

**Mr Johnston:** It's simply that I have gone to art galleries all over this country in my travels and I appreciate Canadian art. I appreciate very much some of it; some of it I don't like. I think I have a good under-

standing of what that art is, and I hope I have an understanding of good and bad.

**The Vice-Chair:** Thank you, Mr Johnston. That concludes the time that we have to spend with you. We thank you for coming. I suspect that concurrences will be dealt with at the end of the morning.

**Mr Johnston:** Thank you.

#### MICHAEL VAN DUSEN

Review of intended appointment, selected by official opposition party: Michael Van Dusen, intended appointee as member, Ontario Rental Housing Tribunal.

**The Vice-Chair:** The next selection is Michael Van Dusen, an intended appointee as member of the Ontario Rental Housing Tribunal. Welcome.

**Mr Michael Van Dusen:** Thank you. Good morning.

**The Vice-Chair:** Make yourself comfortable, and while you are I'll again point out that you have the opportunity to make some opening remarks, after which we will proceed around the circle to have questions. You may begin.

**Mr Van Dusen:** I'd like to preface my comments by thanking the members of the committee for giving me the opportunity to speak with you today. I'm very pleased to be considered for the appointment as a member of the Ontario Rental Housing Tribunal, and I hope that appointment will allow me to provide some assistance to the tribunal in dealing with the very heavy load of cases that await disposition.

As you know from my resumé, which I assume has been provided, I was born in Aylmer, Quebec, and raised in Ottawa. I attended French elementary schools until high school, and I completed my education in the English school system. I attended Carleton University and completed my undergraduate degree at the University of Ottawa, and my law degree at the University of Ottawa as well. I articulated with the law firm of Goldberg, Shinder, where I practised law from 1986 until 1997, when I joined the law firm of Burke-Robertson. My current practice involves primarily working as defence counsel for different insurers in and around the Ottawa area, among other areas of practice. I also act for individual residents of our little town of Russell, where I live with my wife and three children.

In my early days as a law student and lawyer, I acted for both landlords and tenants before the provincial court in minor disputes. As my practice continued to develop, I became more involved in commercial tenancy disputes and less so in the type of matters that would come before the tribunal today.

As many of you may know, Ottawa is subject to the case management system and mandatory mediation. I practise almost exclusively in litigation and believe that my participation in mediations on a weekly and sometimes daily basis has been of invaluable assistance to me in developing the ability to find common ground in disputes between people. At the same time, I've been trained to analyze legislation and prepare arguments in a



careful and reasoned manner. I have developed familiarity with computers and current technology and have incorporated the use of laptops in my trial preparation and procedure. I hope to bring this experience and this way of proceeding expeditiously on matters to the position of an adjudicator.

I was raised in a family of community service. I've always seen it as my duty to try and bring something back to my community. I do that in my private life, and I hope to have the opportunity to do that now with the tribunal. Though the appointment is only on a part-time basis, I hope that it will allow me to contribute to the tribunal, even if it's only in a minor way, at least initially, and to assist people in Ottawa and in the surrounding areas of eastern Ontario with what is a very important issue for tenants that has to be dealt with as expeditiously as possible. I see that hopefully as a service that I can help provide.

In conclusion, I'd like to thank the members of the committee for showing the interest that they have in this appointment and for providing me with the opportunity to address them today. Those are my comments, and to say I'm glad I'm not being appointed to the McMichael board.

**The Chair (Mr Jim Bradley):** We'll begin with the governing party, Mr Johnson.

**Mr Bert Johnson (Perth-Middlesex):** No, I was nodding my head "Good morning" to you, rather than saying, "Good morning."

**The Chair:** Thank you.

**Mr Wood:** On that note, Mr Chair, we'll waive our time.

**The Chair:** Thank you very much. It'll be the official opposition, Mr Crozier.

**Mr Bruce Crozier (Essex):** I'm glad you made it through the traffic this morning. I'll welcome you now as a member of the Liberal caucus questioning you, sir.

There has been, it seems to me, a history of conflict between landlords and tenants. This is something that no matter what legislation is written, there always appears to be conflict in that many tenants are asking landlords to do things that they don't do and vice versa. You've been on both sides of this conflict, I take it, in your professional life. I would like your comment about that, whether you think this is a major problem or whether it's minor in scope, considering all the rental units there are in the province.

**Mr Van Dusen:** I guess it's fair to say that it's a major problem in a number of different ways. It's a major problem on an individual basis for the people who are involved in those disputes. Your home and a place to lay down your head is a huge issue in most people's lives. I have been on both sides of those disputes professionally. I've been a tenant in my private life; I've never been a landlord. But I see it as a very important issue that has to be dealt with expeditiously on both sides for both parties. It's usually important for landlords.

As I was reviewing the material, from my perspective in Ottawa and the small towns that surround it, there are

a lot of mom-and-pop landlords who have bought a few homes and houses and have tenants that are in those houses. So it's not always the case of a huge, multi-unit residential landlord who is in a dispute with a small individual tenant. Oftentimes it's mothers and fathers who have legitimate disputes, who have apartments that they have rented out and either damage is being caused or you have individual tenants who are entitled to services and to live in a decent home and where the landlords aren't providing those services. I have seen both sides of those issues and both sides of those issues concern me equally, from the landlord's perspective or the tenant's perspective, frankly.

**Mr Crozier:** When the legislation was brought in, it was suggested that the most recent changes would result in more rental housing units being built. I guess the reason behind that, and I'm only guessing, is that landlords would be put in a more favourable position and therefore would be more likely to either enter into or expand in the rental field. Do you feel that the most recent legislation, as it is written, gives the landlord any specific advantage over the renter?

1040

**Mr Van Dusen:** I don't know that I would necessarily agree with that statement. I was practising law in Ottawa at a time in the late 1980s and early 1990s when we saw huge numbers of our landlords—the firm I was practising with did a lot of commercial landlord work—becoming bankrupt, losing buildings and having buildings repossessed. You could speculate as to all the reasons that may have happened, but certainly some of the reasons we heard were that the units couldn't carry themselves and they couldn't afford to keep them going and so on. I don't pretend to either support or detract from that argument; I simply put that we heard those types of arguments.

So I think there was certainly an issue that needed to be dealt with. I have reviewed the current legislation a number of times, and from my perspective I see it to be a piece of legislation that attempts to travel a very difficult middle ground, and in many ways achieves that. I don't think I can say at this time that I think it provides any specific hammer to a landlord that wasn't otherwise there.

**Mrs Dombrowsky:** I'm sure, in the background research you have done around this position, that you have encountered the reference to the tribunal that it would be an eviction machine.

**Mr Van Dusen:** Yes, I did notice that.

**Mrs Dombrowsky:** Yes, and the Centre for Equality Rights in Accommodation has indicated that in the year 2000, for example—this would be their figure—of the over 46,000 applicants to the tribunal, over 30,000, or over 60%, were evicted by order of the tribunal without a hearing. Given that I think it is the understanding of the people of the province that the tribunal is a court, an opportunity where people who believe they have been unjustly treated would have a fair hearing, in 60% of the cases in the year 2000 it has been presented that that has



not in fact been the case. I was just wondering if you had any comment on the presentation of those numbers.

**Mr Van Dusen:** I saw those numbers, and I reviewed the report. As a litigation lawyer, or maybe just as a lawyer, I'm always trying to look behind the reports and behind the numbers, and I'm very hesitant to comment on numbers that are simply taken—not simply taken out of context but the background information isn't really provided.

I understand the argument that a number of the hearings proceed by way of default. Certainly in my practice as a civil litigator, we have the same mechanisms in the court system. I think the important factor to consider, of which there is really no indication in that report, is: were the tenants served, were they properly served, and did the tribunal ensure the landlords did provide them with notice of the hearing?

If all those things were in place, if the tribunal was satisfied that the tenants were given notice and chose not to appear—and again we're speculating on the statistical numbers that are pulled out with no background context. But one presumes that if the tribunal has assured itself that the proper service methods had been followed out and the tenants chose not to appear, then applying the provisions of the legislation, all other things being equal, I don't see the difficulty of that particular hearing proceeding by way of a default judgment.

It's hard to say why, of 60,000 applications, tenants chose not to appear before the tribunal. Without any other background information, it's hard to comment on that.

**Mrs Dombrowsky:** As a member of the tribunal, would it be your goal to perhaps hear more of the grievances that would be directed toward you?

I can appreciate that there are circumstances where maybe the letter of the law hasn't been followed and for a variety of reasons an individual or a family may not have met the criteria and would default from qualifying for a hearing, but from my perspective I think there is an expectation that that is in fact the purpose of the tribunal, to be able to offer individuals an opportunity to plead their unique circumstance. I'm just somewhat concerned that in a significant—and it has been presented that in 60% of the cases brought forward they were evicted without a hearing. That's a number that I've asked if you've had an opinion on. Is it a number that you think is too high? Do you think more should be done to try and afford people the opportunity to be heard publicly about the situation? You understand, when people are evicted it contributes to another problem that we have in this province and that is the problem of homelessness. We know that in the province of Ontario the largest-growing demographic among the homeless population is people with families. Would you be able to comment on that?

**Mr Van Dusen:** I can't comment on your last comment dealing with the largest demographic in Ontario because I'm not aware of those numbers.

**Mrs Dombrowsky:** The fastest-growing demographic group among the homeless is people with families.

**Mr Van Dusen:** Let's step back for a second. The first part of your question was dealing with, do I feel there should be more done to allow tenants the opportunity to be heard? I believe that the legislation provides adjudicators—particularly, I was looking at section 84—with the ability to delay evictions they feel would be unfair, to look at the merits of the applications if there is a reason to believe that for some reason the tenants were not given the opportunity to be heard. I see that applied every day in my practice in court, where judges are called upon to assess all of the circumstances within the letter of the law and to apply the letter of the law in a way that benefits to the greatest extent possible the ends of justice, not necessarily the ends of one party over the ends of another party.

This legislation, in my view, having looked at it—and I'm certainly not practising it at this time—I believe allows the tribunal not discretion necessarily but gives them the ambit to say, "All right, if the tenant shows up at three minutes after the hearing's already been held, or two minutes after they were supposed to be here, are we going to proceed without consideration for the fact that they are here and not able to present their arguments or do we give them an opportunity to be heard?"

As I said in my opening comments, my practice on a daily basis deals with mediation and I don't see myself as the type of lawyer who battens the hatches and goes full speed ahead regardless of the considerations of all sides of a dispute. I see myself as a facilitator—that's why my clients hire me—and I'm able to bring a certain modicum sometimes, as my wife would say, a small modicum of common sense to disputes, and I hope to be able to bring that to this position. It's sort of a motherhood statement: everybody has the right to be heard. My role as an adjudicator would be to apply the provisions of the legislation in as fair and reasonable a manner as possible, given all the circumstances.

1050

**Mr Martin:** Certainly your background gives you lots of experience in light of the work that you would be called to do on the tribunal. Given the very difficult debate that happened in this place and across the province when changes were proposed, and ultimately passed, where the rights of landlords and tenants are concerned, there continues to be a tremendous difference of opinion out there. I get tenants come into my office to tell me about issues they've had to deal with. I get landlords coming still, even though the act has been changed, experiencing difficulty of various sorts. It seems to me that we need some people on this tribunal, given that this is where we're going now—the law has been passed and this is the way we're going to settle some of these disputes—where your background will probably serve you well.

I just wanted to know, in terms of your practice, if you look at the cases you've dealt with, were they predominantly landlord? Were you on the landlord's side or were you predominantly on the tenant's side?

**Mr Van Dusen:** It's really sort of a shifting target. Certainly for the first few years of practice, as I men-



tioned in my bio, I worked with the community legal education facility at the University of Ottawa, which is a community legal aid clinic, for the last two years of law school. That was exclusively dealing with the tenant side of disputes, and principally residential tenants. In the first few years of practice I would say there was a combined mix of both. In the firm I articulated to and worked with initially, what landlords they had were very much commercial landlords and commercial developers. I was one cog in that particular wheel. My practice really started to diverge away from landlord-tenant disputes more into civil litigation dealing with contractual disputes. Probably about eight or nine years ago, I began practising as defence counsel for different insurance companies, so I was completely out of the game.

I live in a small town and I've been there most of my life. I get people coming to me on a daily basis, really on both sides. I have clients and associates who are landlords with the typical complaints that small landlords have. I have friends and associates who are tenants and have the typical complaints that tenants have. I really do. I've been exposed to both sides of the area.

The last major litigation I had was acting for a commercial tenant, the type of thing that just doesn't come before the tribunal. We argued to the Court of Appeal on the provisions of a lease and so on. But that type of stuff simply doesn't come before the tribunal. At this point, my practice is focused primarily on insurance work.

**Mr Martin:** In the dealings you've had in the area of landlord and tenant, and you've had some, have you developed any bias of any sort?

**Mr Van Dusen:** I don't know. Do you ever really know if you've developed your own biases? Somebody else might see the way you act as being biased in one way or the other. I don't believe so. I try to approach each case with an open mind. I have always taken that approach to my practice. Give me all the facts, the good facts and the bad facts; I'll take them and I'll do the best I can with them. Don't just give me what you want to give me and keep what you think are the bad facts away from me. Give me the whole ball of wax, I'll hear everything and I'll make the best case I can out of what I've been dealt. That's the way I've approached my practice and that's the way I would propose to approach this appointment as well.

**Mr Martin:** You're probably aware that there are many groups out there that act on behalf of tenants, that insinuate that the tribunal is in fact biased.

**Mr Van Dusen:** I've read about that, yes.

**Mr Martin:** And that it's an eviction machine, that's what it's turning out to be. I would certainly hope that's not the case. They certainly make the case though; there's a number of studies that have been prepared over the last few months and short years. Have you taken the time in preparing for or looking at the possibility of being appointed to this tribunal to have looked at any of those studies?

**Mr Van Dusen:** I read the Parkdale Community Legal Services report—well, I read the synopsis of it, I guess; I

don't know that I had the full report—and I read the other report that Ms Dombrowsky commented on this morning, the Centre for Equality Rights in Accommodation pilot project. I did review the excerpts from those reports that were provided to me for review.

**Mr Martin:** In light of that, having looked at the Parkdale Community Legal Services report and some of the other information that's out there and probably from that realizing that this will probably be fairly challenging, particularly if you're going to, in my view, be fair and do something, even if what you find when you get in there is not quite in keeping with what the report is saying—I think the perception out there is that it's not fair—given all the ways you might be able to serve the community of Ontario and the various boards and commissions that we see are out there, because we come here on a fairly weekly basis to interview only a small number of the people who are appointed in any given week, why would you choose this one, given the difficulty that's there? What do you think you could bring to it that would in some small way perhaps reduce the anxiety that's out there in the community that acts on behalf of tenants? Is there something in particular that you think you have to contribute?

**Mr Van Dusen:** Why this tribunal is a simple matter. The position of adjudicator, particularly on a part-time basis, it sounds silly to say—I have a busy practice. I was made aware of the situation with the tribunal. I have a longstanding associate who works in a management capacity. He's not a member of the tribunal but he works in the office in Ottawa. He is aware that I'm bilingual and able to operate in both official languages, and is certainly aware of my practice as a lawyer. He asked me if I would consider helping out. That's how I first became aware of the position and of the need, because, again, my practice does not deal at all with the typical residential landlord and tenancy disputes. So that's how I became aware of the situation. He asked me if I would consider putting my name forward to help out on a part-time basis, so I agreed to do that.

Ultimately, it's always been my intention to become involved in community service. I've been busy raising three children, as many of you here are doing. My plan, frankly, was to hold off a little bit longer, but this opportunity and this request came up at this point in time and that's why I put my name forward. I think my skills as a lawyer and certainly as a mediator—not a mediator, but being exposed to mediation—are suited to it. Because it's a part-time appointment, I feel I can devote the time to it and not detract overly from my practice. And they coincide. They don't conflict in terms of the type of work I do and in view of the type of work the tribunal does.

That's really it. If I can take some of the workload off, I'm happy to travel around. The appointment, I understand, is principally for eastern Ontario and francophone communities, and I'm happy to do that if I can. That's really about it.

**The Chair:** Thank you very much, Mr Van Dusen, for appearing before the committee. You may step down, and we'll have our next intended appointee before us.



1100

## BETH GODDARD

Review of intended appointment, selected by official opposition party: Beth Goddard, intended appointee as member, Champlain District Health Council.

**The Chair:** The next intended appointee is Beth Goddard, intended appointee as member, Champlain District Health Council.

Ms Goddard, you may come forward. As you have probably heard already, you are entitled to make an initial statement should you see fit to do so.

**Ms Beth Goddard:** Yes, I would like to.

**The Chair:** Then there will be questions from members of the committee. Welcome to the committee.

**Ms Goddard:** Thank you very much. I am very pleased to be here.

As has been stated, my name is Beth Goddard. I was born and raised in Pembroke, Ontario. After my undergraduate degree I did various jobs, such as a switchboard operator, working in a university library, student awards officer, finally getting a master's degree in French. Then I went to law school. In 1983 I was called to the bar. By the by, you seem to have a plethora of lawyers this morning. I just heard the gentlemen ahead of me.

I practised civil litigation in Ottawa, Thunder Bay and Toronto after one year as a clerk at the Court of Appeal. In 1991 I went to Greece. I planned to stay for three years; I actually stayed for nine. In 1999 I returned to Pembroke fully intending to settle, just in time for my mother's 80th birthday.

I have always been interested in community involvement. In Thunder Bay as well as in Greece I acted on that interest. In Pembroke I looked for the opportunity to become involved in a community-focused endeavour. During the summer of the year 2000 I met a member of the Champlain District Health Council. I was asked if I would be interested in applying for a position on the board. I was delighted to be considered, but having no political connections of any kind, I didn't rate my chances too highly.

Since last summer I have been employed by a local law firm and am requalifying for the bar, which is necessary after you leave for more than five years.

I am proud and honoured to be appointed to the Champlain District Health Council. I understand that there are three representational categories for participation on the board. I fit the category of consumer.

The health concerns of the aging are significant both in Ontario and in the Champlain District Health Council. Being over 50 places me in that category, and I have a mother who fears being forced out of her home for health reasons. Having watched her care for my father, who died of Alzheimer's disease, I am concerned that her options be as broad and practical as possible.

I also feel that my legal background may bring a slightly different perspective to the council. That would be not so much in the sense of providing legal advice—I

am really not qualified in that particular area—but rather in the sense that a lawyer's way of looking at a problem might provide a fresh approach.

The Champlain District Health Council has the goal of recommending the best possible health care system for the region, and I know I can contribute meaningfully to that goal. Thank you.

**The Chair:** Thank you very much. We will commence with the official opposition.

**Mrs Dombrowsky:** Good morning, Ms Goddard. I am very interested to understand as a resident of a rural community in Ontario. Certainly I am aware of many needs within the health care sector at the present time—too many, in my opinion. You have a most impressive background, however, I would suggest perhaps somewhat limited in dealing with health issues, although I do appreciate your reference to your own personal health issue. Have you an understanding or a sense within your community of what the key health issues are in that particular part of rural Ontario and would you be able to share those with this committee this morning?

**Ms Goddard:** As I mentioned, I know that Renfrew county has one of the higher proportions of the aged, over 65, even over 75, as does one of the other areas in the Champlain District Health Council.

The other thing that is a problem, particularly in rural Ontario, is the spreading out of health services so that they are equally accessible to all. It's a very difficult problem in the sense of home care and the provision of a number of services. Many people are forced to travel distances to the communities that provide a more central area for this. It is a problem, and I know it's a concern of the health council as well as myself. I have friends who live in a village called Beachburg, who say they have one doctor who comes for half a day from Barry's Bay, which is at the far end of the county, and two doctors who come for one day each from Quebec. They are treated by Quebec doctors. It's a bizarre situation and it has to change if at all possible.

**Mr Crozier:** From your background as presented and your opening statement, I am sure, on concurrence, that you will be a good member of the district health council. But I want to discuss with you, in the time we have, a few of the objectives of district health councils.

Did you say, and I could be corrected, that you knew a friend or acquaintance who was on the district health council?

**Ms Goddard:** Yes. I spoke to Mrs Glenda O'Brien.

**Mr Crozier:** In the conversation or conversations about the district health council, did you get any sense of the effectiveness of district health councils, perhaps in general, although the one in your area, the Champlain area, in particular?

**Ms Goddard:** I know that a health council operates as an advisory body. They are requested, either by the ministry or the minister or the community, to investigate certain areas of concern in the region. I know that they make reports to the minister and to the ministry. As far as the effectiveness is concerned, I can't say the district



health council can create a change. That is something that must be decided by the ministry and the minister.

**Mr Crozier:** OK. I want to go to the mandate of district health councils. This isn't a test, but are you aware of the mandate of DHCs as described in the Ministry of Health Act?

**Ms Goddard:** I'm not sure—

**Mr Crozier:** OK. As I said, it isn't a test, so I'll help you. There are essentially four parts to the mandate, and I just want to discuss a couple of those. One is "to make plans for the development and implementation of a balanced and integrated health care system in the council's geographic area." Do you have any comment on how you might treat that part of the mandate?

**Ms Goddard:** I know that as a member of the board, there is a substantial support staff—the investigators and the ones who prepare the reports. I really haven't had much experience on the board—

**Mr Crozier:** No, and I appreciate that.

**Ms Goddard:** —and I missed the opportunity even to attend a meeting a week or two ago; I couldn't get there because of the bad weather. But how the board can actually carry out those things—certainly they would discuss with the community health providers and with the community, people who are concerned about certain issues, and those things can be addressed in their recommendations.

**Mr Crozier:** How many hospitals are there in the Champlain district?

**Ms Goddard:** There is quite a number. I know in Pembroke there is one, in Renfrew there is one, in Arnprior there is one, in Barry's Bay there is a very small clinic and in Deep River there is a small clinic. That's just in Renfrew county.

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**Mr Crozier:** I guess what I'm getting at, and I'll prompt you a bit and you may wish to comment, is that I hope you and other members on the district health council are real advocates for your area. I suggest that not only would you advise the minister, but I would hope that members of district health councils are feisty and that they go to the minister and really present the problems of their area in a very distinct and concise way and pressure the minister.

Do you see yourself as being the kind of person who says, "Hey, I'm from the Champlain district. We want our share. We've got our problems and we want them addressed"? Is that the kind of person you are?

**Ms Goddard:** That's the kind of person I am, and I understand that the chairman, Mrs Beth Sweetnam, is also someone who takes her position very seriously and does encourage recognition of the unique problems in the area. I do know that.

**Mr Crozier:** I've always been concerned—not always, I guess, but more when I became a part of public life—with the real effect that district health councils can have on health policy in the province. I say again that I hope you take an advocacy role. If you do, then I will be happy to have been part of your concurrence to that committee.

**Ms Goddard:** Thank you very much. I will certainly try. It's something I would like to do.

**Mr Martin:** I just want to know: of all the things that somebody who has the public interest at heart would want to get involved in—and we have numerous people come before us, and that's just a small percentage of the people who get appointed to various boards and commissions in the province—why would you have chosen this particular board or this particular appointment over others to spend your time on and be involved in?

**Ms Goddard:** It's a rather awkward question. I don't think I have had the opportunity to apply for any other public appointment, and this one certainly interested me. It doesn't bother me in the least that it is a non-paying position; it's mostly volunteer work. But it is one where one can actually contribute and possibly have an effect on the health care system in my part of the world, or of the province.

**Mr Martin:** What would you see as the most obvious need as you take on this appointment, both in your part of the world and across the province, where district health councils are concerned?

**Ms Goddard:** As I said a little earlier, I'm very concerned with the aging population in Renfrew county, as part of the Champlain district, and also the rural nature, which creates shortages and difficulties in the provision of health services.

**Mr Martin:** And you think that the district health councils can—

**Ms Goddard:** Those are the two things I consider to be important, but I know the focus of the health council is in fact topics that are either suggested or proposed by the ministry and the minister, as well as by the community. I don't believe it would be my role to generate a study. I could support it, I could perhaps find support for it, but it's not really my role to do that. I'd work to make sure the reporting is done and the advice given is correct. Perhaps I'm misunderstanding my role, but that's what I think it is.

**Mr Martin:** And you think you can actually have an influence and make a difference? For example, in my community in the early 1990s there was a very active and proactive district health council bringing people together around issues, trying to sort out differences of opinion on various things between the different groups, because there are lots of groups within the health sector in various communities. But the restructuring of district health councils now has taken that away from that more intimate and narrow focus. In our neck of the woods, the district health council probably oversees an area that's bigger than most European countries. To be honest with you, we haven't seen anything come out of that council that has in any serious and significant way affected and given us any direction or hope in terms of some of the challenges faced in my community where building a new hospital is concerned, or the issue of getting more doctors and specialists, the question of the health travel grant where northern Ontario is concerned, the cancer care apartheid that a lot of people have been talking about, and all that kind of thing.



Have you looked at all at some of the things that have been happening with the district health councils over the last while, and do you have any concern that you might be joining a board that is simply another public relations exercise by this government and that really, at the end of the day, does nothing, that it might be a waste of your time?

**Ms Goddard:** I certainly hope it isn't just a public relations exercise. The material I covered was the orientation manual for the district health council. Other than that, I haven't looked at it in a historical sense, no. But in the orientation manual, the role is spelled out for that health council. I can only say it's very unfortunate if advice which is very well researched and very well investigated and very well supported is not followed. It doesn't seem to be the fault of the people in the health councils actually carrying out their duties to the best of their ability. At least the voice is there and the advice is there, and the support.

**Mr Martin:** If you, for example, brought to the health council an issue that you heard in your community every time you went out for coffee or attended a meeting—people are talking. Health care is usually a fairly top-of-mind issue for people these days. There are a million things floating, and every time I go back to the Soo it seems there's something else. Certainly in northern Ontario, the issue of the day that every community is struggling with is how they pay for a new health facility. That's one of them. The other is that because every community can't have all of the specialists and specialties available to them, there's a lot of travel. The distance between Sault Ste Marie and Sudbury is, on a good day, about a three-hour drive, and between Sault Ste Marie and Thunder Bay—Sudbury and Thunder Bay are becoming the medical centres for the north—is as far as from there to Toronto.

An issue, then, for the north is travel grants and travel and how you get from one place to the other and how we access health care in a timely and affordable way. There has been a raging issue over the last couple of years where access to cancer care is concerned. But we hear nothing from the district health council to the government or to the public, their leading a discussion about some of these things. We sort of say, "What's the point?" Why would these people be meeting constantly and putting out the effort?

If you found that the district health council that you're being appointed to was not dealing with the real issues that people are struggling with where health care is concerned, what would you do? What would your response be?

**Ms Goddard:** I've read a number of the reports that are in the process of being generated now concerning the provision of health care and the integration of various services. There needs to be a certain way of having some kind of central registry to deal with the various kinds of services and treatments that are available to people in certain circumstances. It's kind of complicated. They're considering various ways of setting up that system, what

would be the most cost-effective and efficient for the patient or the individual to deal with.

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I haven't seen anyone dealing with, for example, the distances to travel, but I'm well aware that people in Deep River, for example, have to travel to Ottawa for cancer treatments. Deep River to Ottawa is 200 miles or more. We have the same problems in Renfrew county as you have in the north. Ottawa is part of the district health council, but it also services to a great degree the people in the surrounding areas. It has no choice. We have no access to specific cancer treatments in Pembroke or Renfrew or Deep River or Barry's Bay.

It's the nature of Renfrew county to be particularly rural, and being rural means that the services are limited and you have to get to them in a different way. It's all part of the nature of the whole district, as I understand it. So those issues are important. Whether they get directly addressed in a report is something that—I'm not exactly sure how that gets started. I understood it either came from the ministry or from the community. It's certainly a community concern individually, but as yet I'm not sure how that becomes the focus of a report. I would be concerned if the serious concerns of the people in the community were not being addressed.

**Mr Martin:** If it became obvious to you after you were on the board for a time that the serious issues of your community were not being addressed, that when it came to a decision as to whether to support a government initiative—which some of us feel district health councils are a vehicle to do—or to in fact challenge the government of the day on its approach because it's obviously not serving the people who live in your community, what side of the fence would you come down on?

**Ms Goddard:** I can't imagine the district health council creating a report that was not truthful about the situation in its own district in order to respond to a government suggestion. The district health council, as I understand it, has to focus on the needs of the communities in the district and how it is being served in terms of the focus of whatever study is being requested.

**Mr Martin:** In your opinion, are the needs of your community being addressed or are there some major challenges out there?

**Ms Goddard:** I'm afraid I really don't know the answer to that question.

**The Chair:** Thank you, Mr Martin. Unfortunately, your time is up and we go to the government caucus.

**Mr Wood:** We'll waive our time.

**The Chair:** The government caucus has waived its time. Thank you very much, Ms Goddard, for appearing before the committee and you may step down.

#### WALLACE HUMFRYES

Review of intended appointment, selected by official opposition party: Wallace Humfryes, intended appointee as member, Municipality of Brighton Police Services Board.



**The Chair:** We will move to the next intended appointee as a member, the Municipality of Brighton Police Services Board, Mr Wallace Humfries.

**Mr Humfries,** you may come forward. As you probably heard previously, you are permitted to make an initial statement should you see fit and, after that, members of the committee have an opportunity to question. Welcome to the committee.

**Mr Wallace Humfries:** Thank you for having me here today. I have prepared a short opening statement and I'll just take a few minutes to introduce myself.

I was born in Toronto and moved with my family to the Brighton area in about the 1950s. We farmed for a while, and then I had to return to Toronto to work. I continued to work in Toronto in printing and publishing until retiring in 1992, then happily returned to Brighton to live on our original farm.

In the interests of the committee, I volunteered at the local branch of the Royal Canadian Legion, helping at different functions and fundraisers. Now I'd like to volunteer for a position with more challenges and importance to the community.

**The Chair:** Thank you very much, sir, and we will commence our questioning with the third party.

**Mr Martin:** Thank you, Mr Humfries, for coming before us this morning and being willing to answer some questions that we might have for you.

This is a question I ask all of the people who come: given the wide array of possibilities to serve on boards and commissions that this government and all governments have available to them, why would you want to serve on the police services board? What interests you in that and what background might you have that would help you to do that effectively?

**Mr Humfries:** First, the interest is because our area is changing quite rapidly. We have just amalgamated the town and the township and the population is growing quite quickly, by our standards anyway, a lot of people moving from the city. There is the problem of people coming from the city and expecting services the same as the city. That is not the case when you live out there. So my interest there is to, if possible, educate the new people and the public as to what the police services do.

My background is very little with the police, so for me it's going to be quite a learning experience and I'll be needing some training. But I do want to help the community and am willing to spend the time and the training to come to that end.

**Mr Martin:** If you have no background in policing and no real experience in what the police services board might be about, how did you come to know of this appointment and to actually apply and get to a position now where you're being considered by this committee?

**Mr Humfries:** As you know, Dr Galt is the member for Northumberland. I had worked with his personal assistant 40 years ago and still kept in touch. We live in the same area, and we both were volunteering at the legion running a bingo when I mentioned that I would like to do a little bit more than running a bingo, although

it is important as a fundraiser. So he suggested I go to the office and see what was open, and this was open and I thought it would be very interesting and more challenging.

**Mr Martin:** Are you a member of his Conservative riding association?

**Mr Humfries:** Since the last five years, yes; just recently.

**Mr Martin:** Are you part of his riding association executive?

**Mr Humfries:** No.

**Mr Martin:** You know that there are lots of issues out there where policing is concerned, and one of them that I think your municipality will probably have to deal with in the foreseeable future is whether you continue to have your own police force or whether you contract with the OPP. What would be your thinking on that?

**Mr Humfries:** Definitely stay with the OPP. My personal feeling? Yes.

**Mr Martin:** I'm sorry. You're already doing that, eh?

**Mr Humfries:** The OPP have the contract there now, yes.

**Mr Martin:** So you find that would be—

**Mr Humfries:** Yes.

**Mr Martin:** Those are all the questions I have.

**The Chair:** The government caucus.

**Mr Wood:** You've come to a conclusion on the issue of the OPP versus local policing. When does the OPP contract expire?

**Mr Humfries:** I'm not too sure, because they are just rewriting that now because of the amalgamation. The township in which I live has a different level of services from the town, so that has to come even and then they'll be writing a new contract. I'm just not too sure of the timing of this, but I know there are ongoing meetings now to get the same level of services from the OPP.

**Mr Wood:** On what do you base your conclusion that you should continue with the OPP as opposed to considering a local force?

**Mr Humfries:** This is my personal opinion: it is that they are so well trained. It's a great force and they are well equipped and, again, well trained. The detachment is also in our town, which helps. It gives the OPP a lot more presence in the area. With a local force you have the problem perhaps of training a new member, where with the OPP you do not have that problem. They can change their officers back and forth, or their commander or whatever, which is their business, of course, but it will always be a capable person doing that job.

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**Mr Wood:** If you were to take a job with the police services board and this issue came up, would you be open to a view contrary to the one you've just expressed, or is your view absolutely firm?

**Mr Humfries:** I believe in our area that would only be up to the local council. I don't believe the police services board in that small area has that option, if I read this correctly. But I'll answer the question: no, I would still want to stay with the OPP on a personal basis, but of



course if you're on a committee and that is voted against, then you go with the committee.

**Mr Wood:** My question is, would you be open to arguments in favour of a position different than your own? Would you be prepared to give fair consideration to those arguments?

**Mr Humfries:** Definitely, yes.

**Mr Wood:** So if you heard arguments that you thought warranted it, you would change your position on that issue?

**Mr Humfries:** Perhaps, but it would have to be a good position that they have.

**Mr Wood:** What do you see as the key functions of your police services board?

**Mr Humfries:** With the force as it is there now—their presence is a lot higher lately—the key thing for myself, and I believe for the committee, would be between the public and the police force.

**Mr Wood:** When you say “the key thing,” the key function is to receive input from the public?

**Mr Humfries:** Yes, complaints or whatever they wish to have. Of course, I know there's a little bit more to the committee where you're involved with the police, but still the main thing would be that the public is being well served and served properly for complaints or anything else, which would come through the police services board.

**Mr Wood:** Are there any areas in which you think you can make a particular contribution on the board?

**Mr Humfries:** I don't know enough to set any priorities right now. I don't want to go into the board and say, “Why don't we do this,” when I don't know the issue itself, or the complete issue. I'm trying to keep an open mind on all that. If I do get on the board, from meeting and talking to the board members who are already there, I would say the main thing I would be doing is learning and supporting.

**Mr Wood:** Those are my questions. Do we have other questions? We'll waive the balance of our time.

**The Chair:** The official opposition.

**Mrs Dombrowsky:** Good morning, Mr Humfries. I'm curious: within the newly amalgamated municipality, where do you live? Do you live in what was previously Brighton or what was the township?

**Mr Humfries:** In the township, yes.

**Mrs Dombrowsky:** So you're a rural resident.

**Mr Humfries:** Yes.

**Mrs Dombrowsky:** So typically you would have had your police services delivered by the Ontario Provincial Police for many years.

**Mr Humfries:** Over the years, yes.

**Mrs Dombrowsky:** Has Brighton had a force of its own within recent memory?

**Mr Humfries:** I don't remember that. You'd have to go back a long way.

**Mrs Dombrowsky:** I expect so.

**Mr Humfries:** I think you'd have to go back maybe 40 or 50 years, which would only be perhaps one officer or so.

**Mrs Dombrowsky:** Yes. My area of representation is very near to yours—in fact we're neighbours on some borders—so I am somewhat familiar with the debate that took place within your community before the newly amalgamated municipality determined that it would be best to pursue a contract with the Ontario Provincial Police. I am aware that there are members within your municipality who are very seriously considering contracting with the neighbouring municipality of Quinte West in order to engage police services. Are you aware of the differences in terms of accountability of the forces when it is a locally operated force as opposed to the Ontario Provincial Police force?

**Mr Humfries:** You mean in the level of service or how they are run?

**Mrs Dombrowsky:** No, in terms of the control that the municipality has with regard to those who provide that service. You know that when the municipality provides the service, they have direct input and control over hiring of staff, certainly hiring of the administration, establishing policies and setting priorities. However, when a municipality contracts those services with the Ontario Provincial Police, then they receive reports and have significantly less direct control in terms of personnel, certainly, and I would suggest as well in local policies in terms of issues that receive attention.

**Mr Humfries:** As I say, there was quite a debate at that time, and most of the people who lived in a rural area did not want to go to Quinte West because, as the rural part, we would lose all control. The number of votes we would have out there, or the representation, was very low compared to what, say, the town of Trenton would be, or Quinte West. That's why most of us at that time wanted the OPP, so that, yes, we could still control the police a little bit. We're not saying who were going to be the officers, and that perhaps shouldn't be our business, but you are taking who is going to be the officer out of the hands of your council. Back in history, I would say that's a good idea. It isn't somebody's son-in-law or whatever, if you go back to the small police forces where there's one or two people.

**Mrs Dombrowsky:** I think you have made it clear that you do appreciate the difference when contracting with the OPP and the fact that probably the area the municipality does have some control over is the compensation.

**Mr Humfries:** Yes.

**Mrs Dombrowsky:** But then some would argue that perhaps the OPP have a monopoly. If after a period of time a municipality has been in the practice of engaging their services, it's far less feasible or viable then to consider a municipal force.

**Mr Humfries:** You're right. The OPP are probably going to be higher compensation for our area, but I do not see that as a problem. I think the most important thing is the protection and the services, and then see what you can get with your money afterwards. I'd hate to save \$10 and have a bigger problem. Coming from a rural area where we used to know all our neighbours and who was



doing what, that has gone now. Anybody can easily drive from Toronto for whatever bad purpose they have.

*Interjection.*

**Mr Humfries:** Well, not all from Toronto. We get some from Montreal too. With the 401 running there, we have a different—

**Mr Morley Kells (Etobicoke-Lakeshore):** How about North Bay?

**Mr Humfries:** I forgot I was in Toronto here.

**Mrs Dombrowsky:** You have to watch that.

**Mr Humfries:** Yes. But if we do not have enough police in that little area, we will attract the wrong people, if our force isn't strong enough, I believe.

**Mr Crozier:** Good morning, Mr Humfries. When the township of Brighton was previously serviced by the OPP, before amalgamation, did it pay for those services?

**Mr Humfries:** Yes, they did pay.

**Mr Crozier:** You weren't one of the lucky ones that got the police for free?

**Mr Humfries:** Well, before the restructuring, if you go back some years, we paid indirectly for the OPP. It wasn't on our tax bill. Now it's on our tax bill.

**Mr Crozier:** By paying indirectly, you mean just through provincial taxes.

**Mr Humfries:** Through our taxes, yes.

**Mr Crozier:** In other words, the township didn't pay for policing services.

**Mr Humfries:** No. I'm not too sure when that started, but I'm going to say about 1992. I'm not too sure; 1993 perhaps.

**Mr Crozier:** Maybe even later than that.

**Mr Humfries:** Yes. Then it had to go on our tax rolls.

**Mr Crozier:** At the time of the discussion about whether the OPP would be contracted or whether you would have a municipal police service, were you aware of the costs that were quoted, that were proposed?

**Mr Humfries:** Yes. I don't remember them now, but there was quite a discussion at the time, before that was on the tax rolls; then somebody said, "Gee, this is \$300,000," and people were fainting all over the place there when they first heard those figures.

**Mr Crozier:** I can imagine. No, I meant when council or whoever was determining whether it would be OPP services or local services, and that discussion went on, were you aware of the proposal, the cost of municipal services as opposed to OPP services?

**Mr Humfries:** Oh, yes. We had several bids, if you will. Quinte West was interested in coming in, and then a small local one or the OPP. So those figures were bandied around for quite a bit.

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**Mr Crozier:** Do you recall which one was the lowest cost?

**Mr Humfries:** I'm going to say Quinte West, I think.

**Mr Crozier:** So it wasn't necessarily decided on cost alone.

**Mr Humfries:** No.

**Mr Crozier:** It was decided when it comes to the services provided or the value for the dollar.

**Mr Humfries:** Yes. I think one of the considerations was to keep the detachment in the town of Brighton.

**Mr Crozier:** This question would just be your own personal opinion. The OPP, of course, is a large provincial service which has many specialists, many areas of specialization. Is it a concern at all to you that officers serving with the OPP in your area might in fact be there only a brief time because it may be their desire to move on to other areas of specialty that they wouldn't get the opportunity for in a small rural area?

**Mr Humfries:** No, that would not be a concern. I think it's one of the pluses.

**Mr Crozier:** You're hoping there are some who like to serve in a small rural area?

**Mr Humfries:** Or they'll stay in the area because they are living in the township or the town. I have to remember that it's only one now, what they now call the town of Brighton. They quite often live there, which is a plus.

**Mr Crozier:** Are there any major issues in policing in the area that you're aware of?

**Mr Humfries:** No, not that I am aware of.

**Mr Crozier:** It's just a great, quiet community to live in and you want to keep those characters from Toronto out of there; is that it?

**Mr Humfries:** I think I'll be living with that one for a while.

**The Chair:** Thank you very much. That completes the questioning. You may stand down, Mr Humfries.

**Mr Humfries:** Thank you very much.

**The Chair:** We have the opportunity now to deal with concurrences of the morning's intended appointments. I am prepared to entertain motions at this time.

**Mr Wood:** I would ask that Mr Johnston be deferred to the next meeting of the committee.

**The Chair:** All in favour?

**Mr Wood:** I think I'm entitled to that.

**The Chair:** That's correct. Mr Johnston will be deferred until the next meeting.

**Mr Crozier:** Just a question, since I am curious. When you say that you're entitled to it—and that's fine with me—is everybody entitled to it or do you hold a special—

**Mr Wood:** Each of the three parties is entitled to a deferral.

**The Chair:** Any member of the subcommittee then is allowed to do so, so all three parties have that opportunity.

**Mr Wood:** It's a matter of right; it's not a matter that's voted on.

**Mr Crozier:** Understood. Our rights are trampled on here all the time, so it's good to have one once in a while.

**Mr Wood:** It's a good idea to have a Chair that respects them, which I think we do, just in case that was misinterpreted.

I move concurrence in Mr Van Dusen.

**The Chair:** Our clerk is going to explain for Mr Crozier and other members of the committee, including



the Chair, the precise procedure we go through and when, then, it would have to be heard.

**Clerk of the Committee (Ms Donna Bryce):** Just to clarify, under the standing orders, the request for deferral is for seven days. Do you want to waive that seven days and defer it until the next meeting, or at this point do you want to confirm a meeting next Wednesday? We don't have anything scheduled for next Wednesday.

**Mr Wood:** I would be quite satisfied that it go to the next meeting.

**Clerk of the Committee:** Is there unanimous consent?

**The Chair:** OK. Further motions?

**Mr Wood:** I move concurrence in Mr Van Dusen.

**The Chair:** Mr Wood moves concurrence in the appointment of Michael Van Dusen. Any discussion? All in favour? Opposed? Carried.

**Mr Wood:** I move concurrence in Ms Goddard.

**The Chair:** Any discussion? All in favour? Opposed? Carried.

**Mr Wood:** I move concurrence in Mr Humfries.

**The Chair:** Any discussion?

**Mr Martin:** I have no difficulty with Mr Humfries. I just wanted to put on the record that we have yet another appointment here that is flowing from the recommendation—and I suppose that's the way it happens. It happened under our government, I'm sure, from time to time, and under your own, Mr Chair, when you were in government. But I think it's important to note that this person coming forward was encouraged to apply for this job by his sitting member, Mr Galt, and as a member of the political party that he's a part of. There's nothing in any regulation that says that's not appropriate, but I think it's important for people to understand that.

**The Chair:** Any further discussion? If not, I'll call the vote. All in favour? Opposed? The motion is carried.

The committee will resume at 2 pm.

*The committee recessed from 1145 to 1402.*

**The Chair:** I'm going to call the meeting to order for the purposes of Hansard. Mr Martin.

**Mr Martin:** I was wondering, with the indulgence of the committee, if we couldn't at this point deal with the issue of the referral of last week, given that I'll probably be away from the room for another appointment that I have at 3:30 when we wrap up. Would that be possible?

**Mr Wood:** We can deal with it very briefly, because he has withdrawn his application.

**Mr Martin:** OK.

**The Chair:** It's withdrawn?

**Mr Wood:** It is withdrawn.

**The Chair:** Thank you very much, Mr Wood.

*Interjections.*

**The Chair:** No debate is required.

**Mr Crozier:** Chair, I think in view of that we should call everybody who's appointed, and then we won't miss anything.

**Mr Wood:** That's up to you.

**Interjection:** That's not going to work.

**The Chair:** We have that knowledge.

## HERB BRADLEY

Review of intended appointment, selected by official opposition party: Herb Bradley, intended appointee as member, County of Prince Edward Police Services Board.

**The Chair:** We will proceed, then, with Mr Herb Bradley, intended appointee as member, County of Prince Edward Police Services Board. Mr Bradley, you may come forward. As you may be aware, you are entitled to make an initial statement, should you choose to do so, and then be questioned by members of the committee. Welcome to the committee.

**Mr Herb Bradley:** Thank you, Mr Chair. Yes, I would like to make a brief opening statement. I'm in the unenviable position of trying to convince the members of the board that I am a good candidate for appointment to this position without appearing to be an egotistical braggart.

First and foremost what I'd like to do is just briefly outline my background for a board position. Then, without anticipating the board, I would like to suggest what the major issues are that are facing section 10 boards and the Prince Edward board in particular and then come back to my own particular experience with the past board.

The focus for the boards, of course, is section 10 and section 31 of the Police Services Act, which respectively describe the responsibilities of boards that have a contract with the OPP and boards that have a contract for municipal police forces. That really is the focus of attention, particularly for section 10 boards, starting in 1998 and continuing into the future. The problem is to devise a practical application of the responsibilities that are outlined in section 10. This is requiring some major changes for boards, and I might point out that it's requiring some significant changes for the OPP. Our board in particular has been involved quite extensively with the OPP on some of these issues, and the kind of co-operation that we're getting has been excellent.

At this stage there are three congruent themes facing section 10 boards. I don't know whether they're pushing us or whether they're leading us toward a better interpretation of the authorities of section 10.

The devolution of responsibilities that accompany the restructuring of municipal councils sort of brought the whole thing to the fore and in essence required a broader definition or a broader application of the responsibilities of section 10 with the devolution of responsibilities down to the local level.

In Prince Edward, as an example, prior to 1998 we were serviced by 10 separate elected councils. The OPP was the police for the entire county, the entire corporation. However, there was a contract in place only for the town of Picton, which represents less than 20% of the population, and the kind of governance, supervision, overseeing of the police services at that time was a very informal process between the town police committee and the detachment commander. That accounted for 20% of



the population and less than 25% of the activity. The other 80% of the population of the county had, at best, a very informal and very arm's-length relationship with the police. That, quite frankly, at times led to a fair bit of acrimony at the political level.

That's the first thrust that's come on us: how do we as a new board—the election did away with that environment entirely. It created a new environment. The council very quickly realized it needed a police services board. One of its first orders of business was to negotiate a contract with the OPP. That brought us right up against, how does the board exercise its responsibilities in the new environment?

The other thing that happened at the same time this was all going on was that the Ministry of the Solicitor General and representatives from all the major police forces in Ontario were drafting a draft regulation under the Police Services Act which came to be known as the standards for adequacy and effectiveness of police services in the province of Ontario. The interesting thing is, that regulation does not distinguish between section 31 and section 10 boards. It very clearly commands that both sets of boards undertake the same supervisory, overview responsibilities, which include auditing all current police practices to ensure they meet these standards, auditing the ongoing maintenance of those practices at least every three years, consulting with all the stakeholders in your jurisdiction and creating a report that, among other things, identifies deficiencies and how you're going to overcome those deficiencies.

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The OPP, I might also add here, and this is the third element, was not oblivious to the issue of how you develop a good relationship between a section 10 board and their detachment commander. Some time ago, in fact, Commissioner Thomas O'Grady enunciated a policy and Commissioner Gwen Boniface, in November 1999, reiterated this policy, which in effect interprets clause 10(9)(b) in particular, which deals with the board's authority to advise on policy and priorities. In that context, the commissioner issued the directive, "The detachment commander shall follow the directions and advice of their board unless that direction is illegal or outside the approved budget."

Clearly I think the commissioner of the OPP has the legislative authority for administration and operation of the force, and they have interpreted their mandate to say that the detachment commander should—in fact, in other areas it frequently uses the term that the detachment commander should be viewed in the same light as the chief of police for a municipal force. I think that is perfectly appropriate for us, and it has proven to be the fact.

So we have these three issues all coming at us, and frankly the adequacy standards over the next three years, in particular the implementation of those standards—they were effective January 1 this year—are going to be a major undertaking for every police services board in the province.

That brings me back to my own experience with the current board. To give you an example of the kind of work I have done at the board, as soon as I was appointed to the police services board by the council, the council invited me to join the council committee that was negotiating the contract with the OPP, and I served in that capacity for about 15 months. Our board actually got underway in 1998, prior to the signing of any contract, which came in September 1999. When the adequacy standards started coming down to us in draft form in 1999, the board asked me to be the focal point in assessing the policy that was coming to us and trying to keep the board apprised as to the probable impact and the kinds of activity we were going to have to engage in in the long run.

The third thing that was quite interesting was when we replaced our detachment commander about six months ago. I, along with the chair of the board, was asked to represent the board, and we went through the process of actually selecting a new detachment commander.

The other thing we did, with the provisions of the adequacy standards plus the fact that we as a board wished to get some better comprehension of the perspective of our constituents on policing, was a fairly major survey in August and September last year. I was asked by the board to be the focal point in designing the survey and analyzing the results, and I wrote the report which was ratified by the board in December.

Finally, I think I should point out that obviously none of this works very well unless you have good inter-relationship and co-operation between the various levels that are required. I must say we have that. We take our issues on a regular basis to the regional commander, and some of our issues in fact have gone to the commissioner herself, and we have received excellent co-operation to the point where the other boards within our OPP regional structure, which is eastern region, have been coming to us for advice on how to approach particular issues. Our chairman in fact has been asked to make a presentation to the police services boards' annual meeting of this year, which is organized along with the OPP and other police forces, and is an excellent forum for discussing these types of issues.

In essence, what I'm trying to say is that the issues facing our board over the next three years in particular are critical. The mayor has returned to the board, the council member who was on the board has been re-appointed, and with myself, I think we have been the core of the previous board, and I think there is a large measure of support to say that the impetus we've started should be continued.

**The Chair:** Government members?

**Mr Wood:** I have one question. As you may be aware, it has been a matter of considerable concern from time to time on this committee that there may be nepotism in government appointments. I therefore feel it my duty to ask you, is it true that you're the son of Jim Bradley, MPP?

We'll waive our time.



**Mr Herb Bradley:** I think not, but he may be my older brother.

**The Chair:** On that basis, I know how I would vote if I could.

We'll then go to the official opposition.

**Mr Crozier:** Good afternoon, sir, and welcome to the committee. I understand by your background that you have been on the police services board prior to this. How long have you served?

**Mr Herb Bradley:** With the board, three years.

**Mr Crozier:** In your resumé you have noted that because you're retired and have flexible time you've been able to devote a great deal of time on board concerns. Has it taken a great deal of time to be a member of this particular board?

**Mr Herb Bradley:** It has taken a surprising amount of time, perhaps more because of the way our board has chosen to function, although I must say that the chairman finds the same thing. I was doing so much background information for our board that in fact the county loaned me a computer system to take home so I could do the work. I have produced a stack of background documentation for the board that is probably this thick.

**Mr Crozier:** Is it because of specific problems that you have? In other words, you mentioned that there are critical issues to deal with in the future. What might those critical issues be?

**Mr Herb Bradley:** The most critical one is the implementation of the adequacy standard itself. Some time in the next three years we have to do a major survey—the board must do the survey, not anyone else—and produce a report on that. That's not going to be a minor undertaking. The amount of work, even doing the survey we did last year for our own purposes—I literally probably spent a good part of my time for two or three weeks in August and September on that project.

That's the way we've chosen to work. The chairman is an excellent frontperson for us and the mayor is an excellent frontperson. We all are contributing a great deal to the actual board meetings, but this is the kind of work that goes on outside of the specific board meeting itself. I was surprised, quite frankly, by the amount of work to be done.

**Mr Crozier:** You said also in the information that has been given to us that one of the board's key initiatives was a community survey on police services. So you've done the survey, or you have to do another survey, you say, as one of your critical issues?

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**Mr Herb Bradley:** We completed a survey in September for our own purposes. The adequacy standards require that we do a major survey and, in fact, name many of the stakeholders that we must consult. That has to be done sometime within the next three years. We're sort of aiming and suggesting that it's going to be in 2002. But that is going to have to be done. It's a legislative requirement.

**Mr Crozier:** What were the major results of the community survey that you conducted last fall?

**Mr Herb Bradley:** Actually, several key ones. Number one was that our citizens are quite pleased with the degree of service we are getting. There were a few suggestions. The part that particularly pleased me, was we queried the citizens on their perception of particular kinds of police service problems, and uncategorically the response came back that our citizens have a pretty proper understanding of police issues and where they're going. They're not overly concerned about things like law enforcement. They've put it all in a pretty good perspective.

The only place where we came up with a criticism—and the OPP did its own survey, I think in 1998, and the same criticism was there—was that there are a number of people who criticized the response of the OPP when they called for service in the first place and a number of people criticized the follow-up of the OPP to the investigations that they had to undertake. The business plan of the detachment, which I think was put out in 1999, addresses that issue and our new detachment commander very clearly indicates that as far as he is concerned, even though it's a small number, that is a major concern of a police force and they must do something to alleviate that concern.

**Mr Crozier:** With your experience, do you find it unusual that a body like the OPP would have been criticized for both response and follow-up? That doesn't leave much in the middle.

**Mr Herb Bradley:** The question of the response in the first place is a little easier to deal with. The problem is—and I must say one of the things that surprised us in the survey was to find that in fact, how much of the interchange between our police service and our citizens was actually directed to the detachment. The impression was that a lot of it went through the communications centre, but in fact our residents obviously are well acquainted with the detachment. If they have a problem, they call the detachment.

The problem with that is that frequently—or at least part of the time—a person calls the OPP about a problem that's not the OPP's authority or responsibility. So some people get upset about that, obviously. The OPP will steer them on to whoever should be looking after the problem.

The question of follow-up is probably nothing more, in most cases, than a question of communications, and we've certainly had a few occasions of that. There's no doubt that the odd person—and the detachment commander undertakes this on a regular basis—needs to be bucked up and say, "Look. You were dealing with this person about a break-and-enter. The least you could have done was gone back and explained to them what the results were of your investigation." I think that sort of approach will clear up most of those concerns.

**Mr Crozier:** I'm curious, too, about something you said where you have taken issues right up to the commissioner. What kind of issue would you feel necessary, or have you felt necessary, to take to the commissioner?

**Mr Herb Bradley:** The one major issue that our board inherited—it stems from an OPP policy, and this is



one of the kinds of policies that the OPP must look at and is looking at and will have to change. Up until recently, the OPP policy for their members posted to—I don't know what their name is for it, but they're hardship postings. The policy said that a person who went through that posting and spent three years or two years, whichever the case may be, when they're through that posting, has their choice of where they want to be posted afterwards. The problem was that at the staff sergeant, detachment commander level, the board supposedly has the—it's pretty poorly defined and we've redefined it, but if the board has the authority to participate in the selection of the detachment commander, that runs right against the prospective person's ability to choose to come to our detachment, and in fact that's what happened. A detachment commander came to us seven or eight years ago out of a specialty area as a staff sergeant and he did not have the background and the experience to run a 35-person detachment. The consequence was that the OPP found it necessary to transfer him from those duties. The good side of that was it gave us the opportunity to participate in the selection of a new detachment commander, who is A1.

**The Chair:** That is it for the Liberal Party. We will now go to the third party and Mr Martin.

**Mr Martin:** Thanks for coming today. I note in your resumé and in your comments that up until just recently you served on the police services board.

**Mr Herb Bradley:** That's correct.

**Mr Martin:** Why weren't you able to continue in that capacity? Why are you coming at it now from this route?

**Mr Herb Bradley:** I was a council appointee the first time around. It was the first board that represented the new amalgamated council. Toward the end of our jurisdiction, one of the provincially appointed members of our board let it be known to us that he would not seek reappointment to the board. At that time, I rather thought I would be pleased to apply and receive that appointment, so I've come forward. I hope I have left the impression—I'm really quite committed to the proper application of the board, so I applied.

The other part of that is that I'm a known quantity to the mayor, who has been returned to office, to the councillor, who has been returned to office, and several other council members who have been returned to office. We all thought it an appropriate step to take. It would leave the new council with the opportunity to exercise its jurisdiction in picking a new selectee for the board at that level. One of the background issues we're hoping for, and I include myself in this, is that in fact we can find a well-qualified lady to step into the board in the council's appointee position.

**Mr Martin:** I understand wanting to appoint a woman to the board perhaps. Is there any other reason why you wouldn't have simply continued on in your position as the appointee of the council?

**Mr Herb Bradley:** The council itself has exercised its responsibility. The new council—over half of them are newly elected—let it be known very quickly that they

wished to go through the procedures again of selecting their own appointee. If I'm not successful before this committee, I will choose to enter into that competition and will go back before the board. But I think I can assure you there is no ulterior motive in terms of anyone wishing to divest me from the board.

**Mr Martin:** Do you have any particular political affiliation?

**Mr Herb Bradley:** None at all.

**The Chair:** We have had all three parties now. Thank you very much, Mr Bradley, for appearing before the committee.

**Mr Herb Bradley:** I thank you for your indulgence.

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## ROBERT SMITH

Review of intended appointment, selected by the official opposition party: Robert Smith, intended appointee as member, Town of North Perth Police Services Board.

**The Chair:** Our next intended appointee is Robert Smith, intended appointee as member, Town of North Perth Police Services Board. Mr Smith, you may come to the table. As you would know from watching the previous speaker, you are permitted to have some introductory remarks, should you choose to do so, and then you will be questioned by members of the committee. Welcome to the committee.

**Mr Robert Smith:** Thank you very much. My name is Bob Smith, and I am applying for a position on the police services board of North Perth.

I was born in Listowel and spent my boyhood years helping on the family farm or attending school. Upon graduation from school with a diploma in commercial studies, a local company that was in the wholesale automotive parts business hired me. I worked in purchasing and inventory control as well as inside and outside sales until 1957, when I was asked to assist in opening the company's first branch operation in Wingham, Ontario. It proved to be successful, and I was moved to the town of Hanover to create a similar branch.

Over the years a number of branches were established, and in 1975 I was offered an opportunity to return to head office in Listowel and take on the role of district manager, overseeing the management and building of additional branch locations. Part of my duties involved organizing and presiding over managers' meetings and training sessions, and I was also responsible for the recruitment and hiring of personnel. The company now has 20 outlets in southwestern Ontario, and I am very proud of the small part I played in its successful growth. I have been retired since 1994 but still have a great deal of respect for the firm and its owners. They have been very kind to me.

My volunteer experience has been with church boards, church music committees and the parking authority, a committee of the town of North Perth. As a member of several musical groups, I have helped entertain and visit senior citizens and shut-ins, and I've enjoyed many years



of satisfaction from my involvement with the Society for the Preservation and Encouragement of Barbershop Quartet Singing. Their charity is raising funds for the treatment and training of children with speech impediments.

As a municipally appointed community member of the Listowel Police Services Board, I have taken part in police salary negotiations and budget planning. I have attended a number of zone meetings, conferences arranged by the Ontario Association of Police Services Boards, as well as other training sessions presented by the Ministry of the Solicitor General's office.

I have enjoyed living in the community of North Perth and feel I can be a useful member of the police services board.

Thank you for the opportunity to attend this hearing.

**The Chair:** We will commence with the official opposition, the Liberal Party.

**Mrs Dombrowsky:** Good afternoon, Mr Smith. Am I to understand from your opening comments that you have already participated as a member of the police services board in your community?

**Mr Smith:** I have.

**Mrs Dombrowsky:** For how long?

**Mr Smith:** I believe it's four years.

**Mrs Dombrowsky:** Then you would have some familiarity with—you heard the previous presenter, who made reference to adequacy standards. At this committee we've had the opportunity to have a chat with a number of individuals who would be appointed to police services boards across the province, but I have to say that today was the first time I became aware of the issue around adequacy standards.

I come from a rural riding in Ontario, much like yours, I would expect, so the issue of adequacy standards is one that I'm quite interested in. I would ask you today if you would be able to make any comment about the adequacy standards in your police services board and if you would be able to comment on the challenges that you would see in your area with regard to these standards and meeting these standards.

**Mr Smith:** I don't see any immediate problems. We certainly were concerned and we knew the adequacy standards were to be established, but they have just been made available to us and we see no problem with them. The board itself has to complete a business plan of our own that we haven't completed as yet, but we're ready to start it. But the adequacy standards don't seem to be any problem with us.

**Mrs Dombrowsky:** Would you be able to help me perhaps just a little bit to understand some of the issues to which adequacy standards would be applied? And when you say they've given you some concern, in what areas? Is it response time? Is it to ensure that all residents have access to 911 numbers? Can you just share with me and explain, because I don't know and this is information that would be very helpful to me, for your police services board in a rural Ontario community, those standards that

you might consider somewhat of a challenge and what your board would be doing to address those?

**Mr Smith:** I think originally we were concerned about such things as tactical units and police dogs and helicopters, but we discovered that's not a problem in a small community; it's available to us if we need it.

The assurance of safety and security for all persons and property is our main concern and our main endeavour, and that seems to be adequately covered by the standards. Have I answered that?

**Mrs Dombrowsky:** Thank you.

**Mr Crozier:** Sir, did you know anybody in this room before you came in here today?

**Mr Smith:** Yes.

**Mr Crozier:** Could you point to that person? Ah, so is he the guilty one?

**Mr Smith:** He had nothing to do with this appearance today that I'm aware of.

**Mr Crozier:** OK. You have been on the police services board in your area. Were you a provincial appointment at that time?

**Mr Smith:** I was originally a provincial appointment and then I was appointed by the council.

**Mr Crozier:** But you've served four years in total.

**Mr Smith:** Yes.

**Mr Crozier:** I see. OK. No, I don't have any further questions. I think the one I asked was damning enough.

*Laughter.*

**Mr Johnson:** I just wanted to clear up: you said I had nothing to do with you being down here today. To make that clear, you and I drove down here together today.

**Mr Crozier:** Talk about nepotism.

**Mr Kells:** Never spoke a word on the way down.

**Mr Johnson:** I think the point that Bob was trying to make was that I didn't either ask him or pressure him or any other thing to encourage him to take this step. So I really don't have any questions. I've known Mr Smith for some years and I'm pleased and proud to be able to hopefully refer to him as a friend.

**Mr Smith:** I would very much publicly like to thank Mr Johnson for the trip down here today. It made it much easier for me.

**Mr Crozier:** Now we're really getting into it.

**Mr Smith:** But that is true: I didn't request him. He's a good friend.

**The Chair:** Any other questions from the governing party?

**Mr Garfield Dunlop (Simcoe North):** I'm just curious, Mr Smith. Have you been very active in community-based policing associations in your—

**Mr Smith:** I'm sorry?

**Mr Dunlop:** Do you have active community-based policing committees under your police services board?

**Mr Smith:** I'm not sure I understand. Other than the board, we don't have anything—

**Mr Dunlop:** Community-based policing, when an organization will look after a small community like a hamlet and they'll have aggressive-driving programs, that type of thing.



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**Mr Smith:** Yes, we have the RIDE programs and we have a wonderful community relations officer who visits schools and malls and does displays and clinics on drugs and so on. We've lost him to another community but he's being replaced with someone I think equally well qualified.

**Mr Dunlop:** I should tell you I made a trip one evening, and I tried to follow a gentleman from St Marys to Listowel. There was some aggressive driving that evening. That fellow's name was Bert Johnson.

**Mr Smith:** He drove very well today.

**The Chair:** Any more incriminating statements to be made?

**Mr Wood:** We'll waive.

**The Chair:** Thank you very much, sir, for being with us. You may step down.

### RICHARD RAYMOND

Review of intended appointment, selected by official opposition party: Richard Raymond, intended appointee as vice-chair, Ontario Lottery and Gaming Corp board of directors.

**The Chair:** Our next intended appointee is Richard Raymond, intended appointee as vice-chair, Ontario Lottery and Gaming Corp board of directors. I'm going to relinquish temporarily the chair of this committee to Mr Crozier so that I may have an opportunity to ask questions.

**The Vice-Chair:** Good afternoon, Mr Raymond. You have an opportunity for opening comments and then we'll move on to questioning.

**Mr Richard Raymond:** First I'd like to thank the committee for the meeting we have today. I'd like to take a few minutes to discuss my business and personal background to establish my experience and qualifications to serve for this public appointment.

Being president and chief executive officer for the past 30 years has led me to the formulation and execution of strategies and tactics which have seen companies grow to a respectable size and market position with managed assets of about \$65 million and sales in excess of \$120 million. I've also established corporate business plans and have overseen the performance of various divisions and operating units of the companies, both in Canada and the United States. In this role I've built and maintained important relationships for the company with customers, suppliers and other members of the corporate community such as commercial banks, investment banks, insurance companies, brokerage firms, stock exchanges and government regulators, federal and provincial, state and local levels, and have also been involved in major acquisitions and divestitures.

In addition to my responsibilities, I've held several senior positions in municipal, provincial and national industry associations and have had the opportunity to hold other board positions. With the divestiture of the US company and restructuring of the Canadian company, I

feel I have the time available for such an opportunity that I'm applying for today.

**The Vice-Chair:** Thank you very much. We'll start with the government members.

**Mr Wood:** We'll waive our time.

**The Vice-Chair:** Your time is waived. Then we'll move to the Liberal members.

**Mr James J. Bradley (St Catharines):** I obviously asked to ask the questions. Members of the Legislature are well aware of my views on gambling in the province. They're not shared by all of my own colleagues in my own caucus, nor necessarily by colleagues in other caucuses. However, I think there are some who probably share them in all three caucuses.

Sir, to put it on the table, so you'll know where I'm coming from, I'm an adamant opponent of the escalation of gambling by governments of all political stripes in all different jurisdictions. How do you view the continuous expansion of gambling opportunities as a social policy for this province? How do you think it affects the social fabric of this province?

**Mr Raymond:** I can only look and evaluate the positive side of it and the negative, and obviously there is some. That's why we provide up to \$17 million for gambling research and the development of programs and investment for responsible gambling.

**Mr James J. Bradley:** Would you say, sir, that that money would not be required in those kind of sums if indeed governments had not expanded gambling opportunities, whether it's the federal government or any provincial government, and in this case the Ontario government; that this \$17 million to which you are making reference, which the government sees as a virtue, would not be required if it weren't for the constant escalation of gambling opportunities that this government has embarked upon since its election, and has followed on other governments which have been involved in gambling activities?

**Mr Raymond:** I think that's a given, yes. If there weren't any gambling, there wouldn't be any addiction. I think there would addiction and gambling other than going into the public purse. There is always underground gambling that I think has been eliminated quite extensively by the government getting into the game and having taxpayers have the opportunity of the revenues.

**Mr James J. Bradley:** Following that theory, that if there is a criminal activity the government should get into it—

**Mr Raymond:** Eliminating the criminal activity.

**Mr James J. Bradley:** —should the government then sell cocaine?

**Mr Raymond:** Excuse me?

**Mr James J. Bradley:** There is a problem with the illegal sale of cocaine. Does that mean the government should sell cocaine?

**Mr Raymond:** Obviously not.

**Mr James J. Bradley:** That's an argument I've heard. By the way, I understand you're not responsible for the policy, sir. So don't worry, I understand that. These are



not critical of you, but they are questions that I think members of the commission to which you're being appointed should be aware.

We now have slot machines in the racetracks. The minister responsible, Mr Hodgson, with a good deal of fanfare and, in my view, after considerable pressure, probably from members of his own caucus, members of the opposition and other people, said that they would not have 44 new charity casinos. There would only be four, but they would have slot machines in the racetracks. Would you not say that slot machines in the racetracks are really a backdoor way of having casinos across the province, casinos that were in fact denied through the front door, called charity casinos?

**Mr Raymond:** No. I think the racetrack slots were actually to provide financing for an established industry, the racetrack industry, and support the agricultural part of the racetrack industry and all those small businessmen who were involved in the racetrack industry.

**Mr James J. Bradley:** I understand that the Premier got an award for this. If it was an award, I'd be turning it down were I he, but that's only my opinion. Naturally the racetrack owners, or whatever the association is, thought he was the best thing since sliced bread because he allowed these slots in. Couldn't you equally do something good for the horse racing industry, but not by putting slot machines in? People don't even have to watch a race; they just put money, endlessly like zombies, one after another, into these slot machines. At least with the racetrack they're watching horses. They have to know something about the horses. It provides jobs as well. Wouldn't it have been just as easy for the Ontario Lottery Corp, the casino corporation—those responsible for gambling, anyway, and the government—to simply allow the racetrack owners to receive more of the revenue and the government less of the revenue? Would that not have accomplished the same thing as simply sticking slot machines in and allowing people to play slot machines?

**Mr Raymond:** Really, that's not for me to say. I'm here to run the business, to sit on the board and try to run the business the best we can. I can't make a comment on that.

**Mr James J. Bradley:** Fair enough, sir.

It is said that somehow, as a result of gambling, there is money for such things as the Trillium Foundation and others. The implication, the suggestion, is that if we didn't have all these gambling activities, the government of Ontario wouldn't provide money to all of these good endeavours in the province. Isn't it true that all money from gambling in fact goes into the consolidated revenue fund and then the government decides where that money will go after that?

**Mr Raymond:** A certain percentage goes into the fund; other money goes directly to municipalities.

**Mr James J. Bradley:** But the part that comes to the Ontario government—this is something I learned when I got into government. I didn't know this all these years.

*Interjection.*

**Mr James J. Bradley:** Exactly. The member is exactly right. They are a joke, "designated taxes." They in fact are not designated and they go into the consolidated revenue fund. So isn't it true that those same monies could be derived from government sources other than gambling and not embark upon widespread gambling in this province?

1450

**Mr Raymond:** Approximately \$51 million went to 13 communities just in the third quarter of last year. I think there's a tremendous amount of money going into benefits for different municipalities, directly into their hands to do what they wish, the same percentage of money that's gone to the racetrack owners and the horse owners. They have money to invest in businesses—small businesses—to reinvest into the racetrack industry, which has improved its purses and is doing much better because of the investment.

**Mr James J. Bradley:** You're kind enough to answer and to offer an observation. In fairness to you, the questions are more of a policy nature and I understand that. I was just interested in your responses as a person who is going to be on this particular agency.

Let me get to something perhaps more directly under your control and supervision, as opposed to the policy. I have seen some of the commercials for the slots that show the gentleman leaving the house. He ties the bedsheets together, leaves on his wife and goes out and blows a bundle at the racetrack slots. Do you think it is appropriate to have commercials which, if they don't give ideas, certainly give the wrong impression that people should be sneaking out on their spouses or their family or something of that nature to head out to the slot machines? Would you be prepared to look carefully at those kinds of commercials?

**Mr Raymond:** Definitely. We certainly would have input. The marketing people have their job to do, and they do it based on what they think is best to get revenues up at the various sites. They're experts and professionals at what they do. We have a marketing budget, and they work within that. We can't critique every ad that goes out. They don't always come to us, but obviously they do work within a parameter of trying to make things proper. You're not going to please everybody with any ad.

**Mr James J. Bradley:** Do you believe that people should be allowed to max out their credit cards at a casino; bring a credit card, put the credit card in and get the maximum, whatever it is, \$5,000, \$7,000?

**Mr Raymond:** There are just the bank machines for them to—

**Mr James J. Bradley:** Extremely convenient.

**Mr Raymond:** Credit cards aren't used, to my understanding. It's just bank cards. You can get cash.

**Mr James J. Bradley:** Again, I guess I should confine my questions to those things over which you have jurisdiction; I understand that. I'm looking for ways to curb some of the excesses. Would you be prepared to have a study done—I guess it has to be done on an interview basis or so on—to determine whether the



people who are playing the slot machines are exactly the people who shouldn't be playing the slot machines; in other words, trying to get a profile? It's hard, because it's a volunteer answer, but many people who have observed—I haven't been in a casino—have said, "If you put your mind to it ahead and said, 'Who shouldn't be in here?' and then you walked in, you'd find a heck of a lot of people"—not everybody by any means—"who shouldn't be in there blowing the paycheque while governments get the revenue and say what a great job they're doing." Is there some kind of study that can be done that would determine who is going into the casinos and the slot machine places, to determine whether there are policies that should curb that?

**Mr Raymond:** I really don't know, but I'd be happy to take your wishes back and suggest it.

I think we all are conscious—we don't want anybody hurt. We are here to represent the taxpayers of Ontario and do the best for them with the abilities we have to do it. I think we all have a conscience, Mr Bradley, and I think we try to work within the parameters of that conscience, the same as you do.

**Mr Martin:** Picking up from there, what would be your attitude to legislation that would make casinos and racetrack operations where gambling other than on the horses is happening responsible for damage done to people who come and play at such a level that they lose their livelihood and their families and their health? There's some suggestion out there from some of the folks who have some concerns about this that maybe making the actual casinos themselves responsible would then put enough onus in place to actually do the kind of thing that Mr Bradley was speaking about a few minutes ago, which is to minimize or lessen, or cut out altogether, the potential that there is now for lives to be destroyed and families to be ruined in this kind of venture.

**Mr Raymond:** Like I said, I think we all have our conscience in relation to seeing anybody hurt. We really don't take them by the hand and take them to the machines; it's freedom of choice in relation to visiting any of these facilities, based on your age.

**Mr Martin:** But isn't it a little bit, though, like the tobacco industry that says, "Just because we advertise and make our product as attractive as possible and try to get people, by the ways that we do, to actually participate, we're not responsible ultimately, in the end, if they partake and destroy their health or whatever." Don't lottery operations run advertisements and create atmosphere and do all kinds of things to entice people to come and participate at as full a level as possible, and wouldn't that in itself suggest that at the end of the day there should be some responsibility if hurt actually happens?

**Mr Raymond:** I don't know if you're aware of it, but there is under the government a problem gambling allocation. The newly established Ontario Problem Gambling Research Centre recently awarded \$1.7 million in research grants to 11 universities to work, probably, to look at different ways to help. We do a tremendous amount of posting of warnings of gambling and fatigue.

Every one of the slot machines has warnings on it; they're in all the washrooms. There are help lines. I think we do have a very established program to try to make people aware, based on how they're feeling, where they are in relation to the money they're spending. We reach out as much as we can in relation to trying to deal with those people, to try to get them to stop when they should stop.

**Mr Martin:** There's a group out there as well that you may or may not be aware of—certainly all of us in this place are because they are communicating with us all the time—who are concerned about the expansion of gambling with no consultation in the community about the impact that might have on the particular community that the venue may be next door to, or whatever. In being appointed vice-chair of the corporation that you are, would it be your intention to perhaps consult more with communities as we expand further and further—

**Mr Raymond:** I have no problem with that at all, Mr Martin.

**Mr Martin:** Because certainly that's a strong suggestion by this group.

**Mr Raymond:** I believe we do, but if it's not enough, I will certainly ask the questions and make sure we are communicating well with the communities. We know we do have a moratorium. There is a moratorium on gambling. The only one possible charity casino is the one at the Thousand Island bridge area. There are, I think, a couple of racetracks that haven't been opened. Other than that, there is a moratorium and a freeze on any more expansion.

**Mr Martin:** I guess what they're concerned about, in the reading I do anyway, is that even with the moratorium and the potential expansion into the places that haven't been developed yet, they feel that more and more machines are going into the already existing facilities and that means more opportunity for people to gamble. They think that wasn't in keeping with some of the consultations that actually happened, although they believe that the consultation was minimal and not really very effective. Anyway, I just put that on your plate as you go forward.

The other question I have, if I have just a couple more minutes, is more personal and more parochial for me. The head of the Ontario Lottery Corp used to be in Sault Ste Marie and it was put up there for a very particular reason by the Liberal government of the day and David Peterson: to help our community diversify its economy and to send a message to the rest of the province and the country that you could do that kind of business there and be successful. In fact, the experience through the early 1990s was that for each year that the headquarters of the corporation was in the Soo, profits increased year over year, so it was successful. The headquarters now, for the most part, has been and is being moved to Toronto. That has had a very detrimental and negative effect on Sault Ste Marie for a variety of reasons. One is the salary base of some of the higher-echelon professions that were there; plus it took away from our community that pool of



expertise that used to participate in community economic development and the United Way and so many other organizations.

**1500**

I want to know your opinion on that move and whether you could be somebody that Sault Ste Marie would see as friendly to the possibility of maybe reversing that decision so that we might have that headquarters there again, to give us the stimulation and the opportunity that it gave us from 1990 to 1995 while it was there.

**Mr Raymond:** The address of the headquarters of the corporation is Sault Ste Marie, and there is an operational and business unit in Toronto for obvious reasons.

**Mr Martin:** The headquarters is in Toronto.

**Mr Raymond:** On the letterhead, Mr Martin, the headquarters is Sault Ste Marie.

**Mr Martin:** But it's not.

**Mr Raymond:** I don't know the percentage; I really don't know if there have been reduced numbers of people working in Sault Ste Marie. I don't think there have been. You might say that most of the top-end financial people are there.

**Mr Martin:** Actually, they're not. Most of the vice-presidents are now in Toronto and the corporate executives are all in Toronto. There are a couple left because there is still an operational arm there; more and more of those positions are contract and temp jobs. But the headquarters itself is now down here in Toronto.

**Mr Raymond:** The senior vice-president of finance, Mr Tom Dalton, is there, and all his people; and the human resources vice-president, Walter Fioravante.

**Mr Martin:** They're the only two top vice-presidents left.

**Mr Raymond:** But with a tremendous amount of staff.

I have no problem with what you're saying and obviously, sure, I think the employment base in the Soo should be protected. There's no question about that. I think that the opening of the charity casino there also has added some opportunities in Sault Ste Marie. So I think there is a benefit of that being open there and, I hope, helping the business climate in the Soo.

**Mr Martin:** Interestingly enough—I don't know if we're running out of time here or not, but—

**The Vice-Chair:** No, you actually have about a minute and a half.

**Mr Martin:** OK. That's the argument that's made, that we in fact got the casino, so what are we complaining about? But the image that is presented when you lose the top-echelon jobs and the headquarters in fact isn't there any more—and it's not. If we're being honest with each other, it's not. The headquarters is in Toronto.

**Mr Raymond:** I would be happy to find out exactly and give you the information in relation to what the total payroll was and what it is to see if there is really a net gain or loss in relation to the offices in Toronto. With the adding of the racetrack facilities and the growth of the industry, there is a tremendous amount of growth of total overall employees. I think it's somewhere in the area of 17,000 people working in the casino corporation.

I don't know if I can answer your question directly, if the number of people have been reduced in Sault Ste Marie in total, or as you're saying, does that mean that some of the top jobs have moved out but maybe there's more people? I don't know what the total annual payroll is, but I'd be happy to find that out for you, if you wish.

**Mr Martin:** Just to say to you that that move in itself was one of the major detractors from us building a new economy in the Soo that was diversified and into some of the new communication-oriented fields that obviously the lottery corporation is in. It was unfortunate.

**The Vice-Chair:** Thank you, Mr Raymond. We appreciate your taking the time to come before the committee today.

**Mr Raymond:** Thank you very much.

**The Vice-Chair:** The next selection is Cheryl Byrne, an intended appointee as a member of the Ontario Lottery and Gaming Corp board of directors. Is she available? We're a bit ahead of schedule.

**Mr Wood:** I don't think she's here yet. I wonder if we might deal with concurrences and see if she arrives. If she doesn't, we'll adjourn until 3:30.

**The Vice-Chair:** That's a great suggestion. I was just thinking that.

**Mr Wood:** We'll do what we can to find her in the meantime.

**The Chair:** I'll assume the chair for the voting, since our voting members are Ms Dombrowsky and Mr Crozier.

These are the ones from this afternoon you're talking about, and I'll entertain motions now.

**Mr Wood:** I move concurrence with respect to Mr Bradley.

**The Chair:** The motion is for concurrence in the appointment of Mr H.G. (Herb) Bradley as intended appointee as member, County of Prince Edward Police Services Board. Any discussion?

All in favour? Opposed? Carried.

**Mr Wood:** I move concurrence in Mr Smith.

**The Chair:** There is a motion for Robert Smith, intended appointee as member, Town of North Perth Police Services Board. Any discussion?

All in favour? Opposed? The motion is carried.

**Mr Wood:** I move concurrence re Mr Raymond.

**The Chair:** Mr Richard Raymond, intended appointee as vice-chair, Ontario Lottery and Gaming Corp board of directors. Any discussion?

All in favour? Opposed? The motion is carried.

**Mr Wood:** If I may, I'll find out what word we have on Ms Byrne. Give me one minute.

**The Chair:** We can have a recess for one minute.

*The committee recessed from 1507 to 1515.*

#### CHERYL BYRNE

Review of intended appointment, selected by official opposition party: Cheryl Byrne, intended appointee as member, Ontario Lottery and Gaming Corp board of directors.



**The Vice-Chair:** Good afternoon. Cheryl Byrne is the intended appointee as a member of the Ontario Lottery and Gaming Corp board of directors. You have the opportunity to make an opening statement, if you like, and then after that we'll go to a round of questioning. We have you with us for half an hour, I understand. Welcome.

**Mrs Cheryl Byrne:** Good afternoon, members. Thank you for the opportunity to appear before you to speak about my intended appointment to the Ontario Lottery and Gaming Corp. I understand that you have been given a copy of my resumé but I'd like to expand a little bit on some of the educational, business and perhaps personal background issues.

I was born in Edmonton, Alberta, and graduated with a bachelor of education degree from the University of Alberta. I taught music and math in an elementary school outside Edmonton and was enjoying it quite immensely until my husband was transferred to Montreal. He was then the national menswear buyer for the Hudson's Bay Co. The English schools were closing in Montreal and, not being bilingual, I was unable to secure a teaching position. I therefore decided that in order to open some doors for myself, I needed to go back to school. So I wrote the GNAT exam and was accepted into Concordia University's MBA program. Over the course of three years I completed my MBA, had three children and moved house and home to Toronto, where my husband was now an executive with a clothing manufacturer.

I tell you this because it provides an example of the energy level that I bring to any project, personal or professional, and it also provides an example of my commitment to a goal once it has been established.

As you will see from my resumé, once I joined the workforce on a full-time basis in 1992 I had a series of interesting positions. Throughout these positions there were always two very common threads: project management and change management. I enjoy the challenge that comes with starting a new project or organization or changing one to work more effectively. My MBA investigative project was employee involvement and job commitment, and I have had many opportunities to test those findings as I have led teams through organizational development and change. Motivating a team, finding the right fit for an individual and the organization, and providing the support and encouragement as the challenges increase has been one of the most rewarding parts of my career. Setting the strategic direction and putting the pieces in place to see what happens has been the other.

I have been fortunate in that I have been able to put these skills to use for my family and my community. Working with the Erin Mills soccer association was one of my most demanding and rewarding volunteer roles. Fielding over 4,000 children for the outdoor soccer season was a huge undertaking for us as a group of volunteers. I can see somebody nodding; obviously a soccer father here. Our board of directors comprised a diverse group of parents with different ethnic back-

grounds, educational levels and organizational skills. Coming to consensus on some of the more difficult issues was an exercise in careful listening and mediation.

Whether it's debating an issue with business colleagues at the board of trade or parents at the school council or my management team at the Electronic Commerce Council of Canada, I have the proven ability to listen, challenge and mediate. I am hoping to bring those skills and others to the board of the Ontario Lottery and Gaming Corp.

In closing, I would like to say that I put myself through university, paying my tuition and room and board by working three part-time jobs: one was as a piano teacher, one was as a cashier at the Bay, where I met my husband, and the third was as a ticket seller at the Edmonton racetrack. Maybe I'll be able to draw on that front-line experience of the latter with this board appointment.

**The Vice-Chair:** Thank you, Ms Byrne. For questioning, we'll go to the Liberals.

**Mr James J. Bradley:** I don't know if you had an opportunity in the other room to view the questions which were directed to a previous person.

**Mrs Byrne:** No, I did not.

**Mr James J. Bradley:** Just so you know ahead of time where I'm coming from, I am probably the most adamantly opposed person to the expansion of gambling opportunity in this province, at least who's prepared to say so. There are many reasons why others may not be able to, regarding which party they happen to be in, so it does not look as though I'm coming out of left field.

1520

I'm going to try to zero in on questions. I was a little less fair with the last person because I thought it was more on policy questions that should have been directed to a minister or something.

There is a case in Windsor, I believe it is, where a woman who was the manager of a bank had \$1 million, which was, I think I read in the paper, allegedly embezzled and spent at the Windsor casino. I won't ask you to comment on that specific case; that would be very unfair. But bar owners have a responsibility. If somebody leaves in a drunken state from a bar and then gets into an accident, that person might be liable for something that had happened, if the bar owner hadn't taken steps to prevent that person from getting drunk—let's put it that way. Do you think that not only casinos but places of gambling have a responsibility to ensure that those who are there blowing their money should be stopped at some point in time?

**Mrs Byrne:** I'm assuming you are asking for a personal opinion—

**Mr James J. Bradley:** Yes, I am.

**Mrs Byrne:** —so I'm quite prepared to give you one. If you're in a situation where somebody is inebriated and they're about to get in a vehicle, I think any good citizen other than the bar owner has a responsibility to step in and do something. If somebody is inebriated, standing in a gambling casino, I hope somebody would also step in



and pull them back from perhaps making a poor judgment issue, but whether or not the casino has the right to infringe on somebody's personal decision to blow their money, I guess that's a bigger issue for discussion.

**Mr James J. Bradley:** As a member of the Ontario Lottery and Gaming Corp, would you be prepared to promote policies which would encourage gambling establishments to stop people from maxing out their bank cards and blowing every last nickel they have there so that they have no money left at home? In the specific case I was speaking about before—and it has happened on many occasions, embezzling money from work—would you be prepared to promote policies that would try to stop that from happening?

**Mrs Byrne:** I certainly would be prepared to promote any policy that assisted an individual in having a good and careful look at what they were doing, especially if it was to affect their livelihood and their family. To what extent you can enter into guiding people's decisions, I think that's a larger question and certainly one that I'd like to take part in.

I have seen examples, when I was working at the race-track many years ago, of some people who were like that person who is always sitting at the bar. They are addicted to it and they are into it in a big way. I think there's a bigger issue behind those people, though. I think they have some other serious problems that need to be addressed. I don't know that shutting down a casino is necessarily the answer. And how far the casino can go in addressing those personal issues, like I said, that is a healthy discussion to be had.

I noticed that the Ontario Lottery and Gaming Corp have listed in their annual report their commitment to gaming problems as second in their mission. I was actually quite surprised that it appeared that high, and I found that to be a very positive thing.

**Mr James J. Bradley:** I would personally view that as either conscience money or—they are the ones who are creating the business in the first place, but that's only a personal opinion.

I want to get to this, because you may have some influence on it—perhaps not; it's usually policy. I am very concerned about the expansion of gambling opportunities. I was just counting. We have some information provided to us. There are now 5,527 more slot machines in Ontario as a result of Ontario slamming the door shut on gambling—that was the front door, the charity casinos. In the back door they put them in the racetracks.

Is there any limit to which you would recommend governments not go in advancing gambling opportunities—and by the way, my fellow committee members know I'm not critical of this government alone; I say "governments," all political stripes, all jurisdictions. Do you think we've gone far enough in making it available for people in this province who want to gamble?

**Mrs Byrne:** I honestly don't know if we've gone far enough or too far. I have not had the benefit of any kind of orientation session in terms of this corporation and some of the numbers reached to date and going forward, other than a very broad overview.

Do I believe we should ask the people in the communities in which gambling facilities are going to be placed or are being considered to be placed? Absolutely, and it is my understanding that that is already being done. Whether that is done in terms of the terminals that are placed in horse racetracks, I am not sure. But I would certainly be interested in knowing that and, yes, I would certainly be interested in receiving some answers around that issue.

**Mr James J. Bradley:** There's no level of perfection that we've reached. I don't wish to think everything is one way or another way. People say, "Well, we had bingo halls before," and we have. My observation is that people don't spend as much money in bingo halls as they do in slot machines and it's a different atmosphere. But I stand to be corrected.

Do you think that with government intrusion into so many areas of gambling—I know they give the money back, and they get credit for it when they do it, but do you think that has, and will continue, to limit the ability of local charitable organizations, volunteer organizations and service clubs from holding activities that may involve some minor things such as bingos and a couple of other things they might run? I don't even mean the roving casinos, which I didn't like either. Do you think this constant expansion of government gambling is having an impact on them, and would you be prepared to review that as a member of the corporation directors?

**Mrs Byrne:** Two parts, two answers. Number one, absolutely. If the Ontario Lottery and Gaming Corp is turning around and providing funds for charities etc in the province, and in the course of doing that they end up damaging others, I think there needs to be some serious discussion about the strategy with which this corporation is approaching the whole gaming business in Ontario and the results from it.

The second part of that is, do I believe that is actually happening today? In my personal opinion, no, I don't believe so. I am involved with the school councils, the soccer league and so on, and we do a lot of different fundraising things. Cawthra Park school council, of which I was chair and am now past-chair, is involved in a bingo event on a weekly basis, and it feeds funds into our school for some special projects. It's a local community thing and it's not—I suppose the people who go there view it as entertainment. I know that if I were to go out for the evening and some friends suggested that perhaps we entertain ourselves with an evening of gambling, I would view it very differently than if I was going to a local charity bingo to raise money for the soccer association or the school. I could be mistaken, but I think the market's perception of the two is different. One is seen more as entertainment and the other is seen more as a fun, community, let's-all-pull-together-and-have-a-fund-raiser event—both somewhat in terms of entertainment, but I think they're viewed differently by the market. I could be wrong, but that's my view.

**Mr James J. Bradley:** One thing I would ask you about in terms of reviewing is whether you, as a member



of the Ontario Lottery and Gaming Corp board of directors, would be prepared to be one of the consciences who would review the advertising policy of the corporation or of individual gambling spots that do advertising.

1530

An example I had was, I think it was, Woodbine Slots. You notice they don't call it Woodbine Raceway any more because they're really not, in my view, gearing it to the horse racing fans. They just want to get them in there to get those one-armed bandits going and blow all the money. They want that to happen, and they've had some rather unfortunate commercials. One I mentioned to a previous guest before us is the man who ties the sheets together and heads out the window on his wife, who is having dinner with friends or something, and he's out there to do his gambling. There may be more truth to that than we would like to think.

Would you be prepared, as a member of the board of directors, to review and comment negatively when necessary, with the hope of eliminating such commercials when those commercials are brought forward for consideration?

**Mrs Byrne:** Yes, absolutely, I would. Past experience has put me into the marketing and communications field. The way in which pieces of information are communicated and positioned are critical, because it can highly affect how things are perceived. I am very conscious of how we communicate and the perceptions we create and the perceptions we promote when we communicate outward, so absolutely.

I am appearing on this board. I am assuming I've been asked to come to this board because, as vice-president of the Electronic Commerce Council of Canada, I have a certain seniority and a lot of work with different industry sectors and so on, but behind that there is the mother of three children and a very responsible and devoted community member. So I absolutely have no problem in telling you that I don't mind speaking up and speaking my mind about anything I don't feel is quite appropriate and would create bad perceptions and so on.

**The Vice-Chair:** Thank you. We'll now move on to the government side.

**Mr Dunlop:** I would like to welcome you today, Mrs Byrne. I come from a community with a casino, Casino Rama. You've probably heard of it, up in the Chippewas-Mnjikaning First Nation. I would like to say some positive things about it and I just have one quick question at the end.

First of all, when Rama first went after the casino and they were selected back in 1994, it was very controversial in our community. A lot of people had a lot of concerns about gambling addiction. We were very fortunate that the community pulled together around the casino and looked at it very positively. Community organizations like our local community college held courses and had a lot of training for people so that when they did have gambling addictions there would be someone there to help support them. As a whole, it hasn't really been a problem, I don't think any more so than

someone buying too many Nevada tickets or people who spent a lot of time at the Barrie raceway earlier or even bingo. That seems to be an addiction in itself at times. But for us, for our community, it has been very positive. I want to send this message to you and to your board, if you're selected.

Casino Rama now employs more First Nations people than anywhere else in Canada. It's now the second-largest employer of people in Simcoe county, behind Honda of Canada. It's been a wonderful asset to the Orillia area. They're building it as a tourist destination and what's now under construction—you'll likely find out a lot more about this—is a 5,000-seat community entertainment centre and a 300-room hotel going up, which will create more and more jobs. In our community, we look at it as a very positive economic generator today.

The only thing I see some weakness in is, maybe some of the money in the local community has been taken away from service clubs that may have generated more money in the past. I am wondering if you would support, as a member of the Ontario Lottery and Gaming Corp, more policies that would support the casinos and gaming organizations working with community organizations.

**Mrs Byrne:** Yes, absolutely, and that is similar to what Mr Bradley asked. When you strategically look at where you're placing these organizations and you're looking at what's happening there currently, those are questions that you need to ask the community: "Are we going to damage some service groups?" Then you go one step further and you say, "OK, let's not look at this just as a negative but let's also have a look at positive outspins." Maybe the positive outspins are that you work with some of the service clubs to provide some of the value-added pieces that go along.

In my current position, we operate 15 committees out of the electronic commerce council. We're a rather unique trade association in that we represent cross industries. For instance, if the grocery industry, as it does right now, wants to come together and approve the efficiencies with which it runs the grocery industry in Canada, we step in and act as an independent facilitator across those industry lines. We ask people to take off their competitive hats for a moment and sit down as grocery suppliers, distributors and retailers and ask the serious and difficult questions on how we can improve the efficiencies in the Canadian supply chain. If we don't ask those questions, Canada will become less and less competitive on the global stage.

But from our perspective, and from my perspective at the electronic commerce council, we are able to act as independent facilitators, get people to put down those competitive hats for a minute and look at opportunities and say, "How can we move forward together and how can we all benefit?" Yes, sometimes in those discussions we have to act like the conscience of the industry supply chain and say, "Gee, Loblaws, I know you'd like to see that change but it's not going to help this small producer over here."

I don't see that this is that different. I see this as an opportunity for Ontario to develop and grow one aspect

of its business offering, the gaming business, but at the same time to work with the communities in which it finds itself to make sure this is a win-win situation for everybody.

**The Vice-Chair:** Thank you very much. Further questions?

**Mr Wood:** We'll waive the balance of our time, Mr Chair.

**The Vice-Chair:** Thank you, Mrs Byrne, for appearing today. I'll vacate the chair.

**The Chair:** We have now completed the interviews of intended appointees. I am prepared to entertain a motion regarding our last applicant.

**Mr Wood:** I move concurrence re Mrs Byrne.

**The Chair:** Mr Wood has moved concurrence in the appointment of Cheryl Byrne, intended appointee as member, Ontario Lottery and Gaming Corp board of directors. Discussion?

All in favour? Opposed? Motion carried.

Is there any further business of the committee that anyone wishes to raise?

**Mr Wood:** I move adjournment.

**The Chair:** All in favour? Opposed? Carried. The meeting is adjourned.

*The committee adjourned at 1538.*











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## STANDING COMMITTEE ON GOVERNMENT AGENCIES

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### **Vice-Chair / Vice-Président**

Mr Bruce Crozier (Essex L)

Mr James J. Bradley (St Catharines L)

Mr Bruce Crozier (Essex L)

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## Legislative Assembly of Ontario

First Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Thursday 22 February 2001

# Journal des débats (Hansard)

Jeudi 22 février 2001

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Subcommittee reports  
Intended appointments

## Comité permanent des organismes gouvernementaux

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 22 February 2001

Jeudi 22 février 2001

*The committee met at 1008 in committee room 1.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** I'll bring the meeting to order this morning for the purposes of Hansard. Good morning to members of the government agencies committee.

Our first item is to deal with the reports of the subcommittee on committee business dated Thursday, February 1, 2001; Thursday, February 8, 2001; and Thursday, February 15, 2001.

**Mr Bob Wood (London West):** Chair, I move the adoption of all three.

**The Chair:** The adoption of all three reports has been moved by Mr Wood. Any discussion?

**Mr Rosario Marchese (Trinity-Spadina):** Probably not.

**The Chair:** All in favour? Opposed? Motion carried.

## INTENDED APPOINTMENTS

## GEORGE TAYLOR

Review of intended appointment, selected by official opposition party: George Taylor, intended appointee as member, Ontario Rental Housing Tribunal.

**The Chair:** Under the appointments review, we have four that are scheduled for this morning and one for this afternoon. The first individual is an intended appointee to the Ontario Rental Housing Tribunal, George W. Taylor. Mr Taylor, you may come forward, if you will. As you are likely aware, you have the opportunity to make an initial statement. I say this only because you're the intended appointee today. All the time that you use up today is subtracted from the government members.

**Mr Marchese:** You can use it up anyway because they have no questions.

**The Chair:** Being a neutral Chair, I assure you that I can't come to that conclusion until I look to Mr Wood for my instructions.

Welcome to the committee, Mr Taylor.

**Mr George Taylor:** Thank you, Mr Bradley, and members. I can be very brief on the opening statement. I conclude from the material sent out by the clerk, Ms Bryce, that you are familiar with my background and have some of the material in my resumé.

Very briefly, I started my career in the city of Hamilton, where I was born, and took my education in Hamilton schools, both elementary and secondary, and continued on to McMaster University and then on to Osgoode Hall, where I obtained a degree in law. I practised law in Toronto for three years and did my articling in Toronto—it was primarily criminal law—with the late Joseph Sedgwick, where I did trial work, appeal work and any number of areas which would primarily be described as litigation.

I then moved to a firm called Magwood, Frith and Casey, where I got a general learning. The people in that firm were Senator Frith and John Magwood, who started it. We put together the legal aid plan in the early career of that firm, where Mr Magwood was the first area director in the county of York.

I then moved to Barrie where I joined the law firm of Boyes, Seagram, Rowe and eventually become a partner there, with the name of Boyes, Seagram, Rowe and Taylor. Subsequently, I was appointed Queen's Counsel. I got elected to the Legislature in 1977 and re-elected in 1981, I was appointed parliamentary assistant to the Attorney General then, Roy McMurtry, and then subsequently the Solicitor General for the province from 1983 to 1985.

I then returned to the city of Barrie, having left the field of politics, and opened a law practice. I've practised as a sole practitioner in the city of Barrie since 1985, doing primarily duty counsel work, criminal work, real estate, estates, wills and commercial work.

I'll move into some of the other areas for my community work, if that's of interest. You'll notice under my community service a great deal of material. I have done both charitable and non-charitable work and material that is beneficial to the community.

One of the greater endeavours since I left politics was as chairman of the Ontario Winter Games for Barrie and Collingwood in 1991. We had a sizable budget of some \$2 million, with 2,500 athletes returning to Barrie. It was a hands-on operation, where I did the chairmanship for approximately two years in a volunteer capacity.

I was on the advisory committee to the Ontario Provincial Auditor for about three or four years since I left politics, as well as being a director and secretary of the Barrie Rotary Club, where I gained notoriety in being the sponsor of the first female members in the Barrie



Rotary Club, which was novel. As you can see, I've received community service medals.

I was amused when I was rereading some of my resumé to send in. I had been on a committee which I had forgotten I'd served on, which was a Canadian Bar Association committee. There was a brief to the provincial government at the time. The only other government member on that was Eric Cunningham, who was a Liberal member; the rest of them were professors etc. That was to set up a committee such as this to review appointments of all natures.

I was just going to read one little note from it in our introduction. It was done in 1988 and I was solicited to come on that committee, along with Professor Barr, who I am sure is familiar to the Chair, coming from the Niagara area. But the quote I'd like to make from that introduction is, "Political partisanship should neither be allowed to override the essential qualities, nor disqualify those who possess these qualities," such as expertise, skill, knowledge and integrity in an appointment. I leave that with you. We had created this committee for you to review these things.

There's one other thing, since I'm going for a landlord and tenant tribunal. You'll notice that I did make numerous personal submissions to government before I became a member. One was the landlord and tenant reform which brought out the residential tenancies, the Landlord and Tenant Act. Primarily it was a tenants' position paper to gain benefits for tenants at that particular time, which was 1968. So I have a background of making efforts and making changes well before I got into the field of politics.

That's my opening statement. If you have any questions on that, I feel I can bring something to the tribunal. I have had many years—in excess of 20, I suspect—as a Small Claims Court judge in and around the county of Simcoe, and there, before the tribunal was created, many matters were in the field of landlord and tenant, so I bring that experience to this, which is an extension of that background.

**The Chair:** I assume Hansard is picking up the microphone all right? Fine. So we're OK there. I just wanted to make sure that you—

**Mr Taylor:** My words were not lost, sir.

**The Chair:** That's right, because they would be left only to the memories of the members of the committee, and sometimes they are failing from time to time.

I will begin with the government members in this particular case.

**Mr Wood:** We'll waive our time.

**The Chair:** The government members have waived their time, so I will go to the official opposition.

**Mr Bruce Crozier (Essex):** I appreciate the words you gave us when it comes to non-partisanship and appointments and qualifications. I agree with that entirely. For some reason or other, some individuals who are called before this committee think they're being called on the carpet or some such thing, whereas in many instances what I want to know is just how that individual will

approach their committee work, if they have some new and innovative ideas with which to approach that particular agency, board or commission. I don't see in most of these that we call before the committee that it's really a question of partisanship.

In any event, I'd like to ask, during your adult life, have you ever been a tenant?

**Mr Taylor:** Yes, I have. When I was in the city of Toronto, as well as in Hamilton, I was a tenant in what I would call large complexes, as well as townhouse complexes.

**Mr Crozier:** Residential?

**Mr Taylor:** Residential, yes.

**Mr Crozier:** How was that experience?

**Mr Taylor:** It was satisfactory. I think the major thing that happened in the earlier part of my life, which would have been up until the late 1960s and the early part of the 1970s, was primarily that being a tenant then, the landlords were doing what were called security deposits and you weren't always sure you would get back your security deposit, to give an example, because there always seemed to be something wrong with the apartment. We now have legislation that you're not allowed that security deposit as such for damages.

**Mr Crozier:** I'm not sure you would have this information prior to the committee meeting, but we've been given some research where the Parkdale Community Legal Services did a study and as part of that study it was found that between September 30, 1998, and December 31, 1999, the backlog at the tribunal for tenant applications alleging illegal charges by landlords increased by 140%. The lockout and harassment applications, for example, increased by 101% and repair applications increased by 105%. In contrast, according to this study, over the same time period, the backlog at the tribunal for arrears eviction applications by landlords decreased by 4%, even though the number of eviction applications had increased. That would lead someone perhaps to conclude that landlords receive preferential and more expeditious treatment than do tenants. If you found that to be the case, what would you do under those circumstances?

1020

**Mr Taylor:** The first feature is that as an adjudicator, I'm not making policy; I'm making decisions on the material that is brought before me, which is applying the facts and the law together to make a decision. I don't think, as a part-time member, I would be into decision-making or policy-making on this.

I did receive the material from David Pond, I believe his name is, which was sent by the clerk. I was trying to take from the Parkdale Community Legal Services material how I could measure it or comment on it. For some of them I would have to see the numbers, having looked at the backlog and using the percentages. That was one comment that came to my mind, how I would test this study to apply it to what I might be doing.

Some of the material on the earlier part, called lockout and harassment applications, the backlog would increase



because they would undoubtedly be far more difficult matters, and both sides and all parties would need preparation time, whereas one explanation for the backlog for eviction being decreased might be that the features of a straight eviction singularly in regard to rent would be much quicker and would not require the preparation that the others would. Therefore that backlog could increase whereas the eviction one wouldn't. If you owe the rent, that's more matter of fact.

In reviewing the material that was sent to me, after I had taken the material from the tribunal, which is about five inches of paper, and a one-hour interview and an hour test with them, the material that I received would indicate that it's quite matter of fact and precise on an eviction which is just for rent. Either the rent is owed or it isn't owed. So that may be the reason for that backlog showing differently. But as a board member, I'm not into the policy-making; I'm just hearing the matters that are brought before the tribunal.

**Mr Crozier:** I appreciate that you wouldn't be into the policy-making, but this isn't policy-making. It would appear to be the process of applications. It's simply numbers.

Let's move to another part of that research, where the tenant application for repair and maintenance takes 45% longer to be processed and reach a hearing than an eviction application. After the hearing, tenants wait 84% longer than landlords for the tribunal to issue its order. Again I would ask, if you found that to be the case, what would you try and do as a member of the tribunal to address that?

**Mr Taylor:** Again, without being defensive on that, it would not be part of the territory I would be involved in. Somebody else brings the matters to you. You are an adjudicator. Using the two differences, it would be quite understandable, or I could speculate, that in the one for repair and maintenance etc, there is going to be a dispute, so a dispute is going to require preparation, witnesses and background on both sides and then a decision made on that material. Using it and comparing it to evictions, to say that evictions are always happening and much faster, that would be quite so because where you get just a straight eviction, that is just that you have or have not paid the rent. So all those, by themselves, would be faster in arriving at a decision.

**Mr Crozier:** Let me use some words, and if I'm putting words in your mouth, please correct me. I get the impression that rather than being proactive on this tribunal in the case of backups, backlogs and particularly backlogs in one area as opposed to another, you would say, "Somebody else does that work. I just do the work that's brought before me, so the backlog is not my responsibility." Is that what you're saying?

**Mr Taylor:** The backlog would not be a responsibility of my task as an adjudicator, because that's all that I foresee in my responsibilities. If we were to have a session where all adjudicators got together with the chairman or the director of the board, that may be a time to raise it, that these are taking longer, but as to the

matters that come before us, that is determined by the administration of the tribunal. The matters come before you as an adjudicator and you decide on them. Prior to that time there is mediation, so the mediation may take some time up as well from the time the application is in there. But again, I foresee my job as being an adjudicator and not an administrator of the process. I can make a comment on it, if I just say, "By the way, this seems to take a length of time," as they have done in the Parkdale legal study. But I would be challenging the study with numbers and reasons, as compared to just throwing them out as percentages.

**Mr Marchese:** Mr Taylor, I agree as well with that quote that you read out initially about party affiliation not excluding anybody from participating or from being a good member, whatever. I have no problem with that. The only problem I have is that most of the appointments, 99.999%, are Tories. If they mixed it up a little bit, it would seem to me at least that it would be a little fairer, and then you could say, "Yes, some New Democrats might be competent as well, and possibly some Liberals."

**Mr Taylor:** I could comment that I have been around long enough and watched things long enough. I left in 1985, and I suspect on most of the agencies and boards I could, by recollection in my mind, know some of their affiliations on a lot of these boards. When it changed to the Liberals, I noticed the complexion changed with the names, and then—

**Mr Marchese:** And the NDP as well, and there's the problem.

**Mr Taylor:** The same with the NDP: there was a change.

**Mr Marchese:** Mr Taylor, yes, this is problem.

**Mr Taylor:** So we've come back full circle.

**Mr Marchese:** You're quite right. Let me finish that comment, because a journalist commented on that as well. He said the New Democrats did the same. I said, "Isn't that odd, because we were trying to convince Bob Rae to do the same as everybody else." Our members were saying, "Finally, we're in power; get our members in," and Bob Rae wanted to be different because, you see, he had a background in the civil service, where his father was a civil servant. I respected that in terms of trying to be neutral, trying to be fair and trying to open up the process to everybody. But we were going to—

**Mr Steve Gilchrist (Scarborough East):** Mr Chair, I wish Mr Marchese would table a list of known Conservatives that he put forward in his five years as a member of the government.

**Mr Marchese:** You're eating up my time.

**The Chair:** Order.

**Mr Marchese:** Thanks, Steve, for your intervention. You understand the problem I'm having?

**Mr Taylor:** Look, it's there. I don't think you can remove it, without pontificating too much on it. The media are the ones that usually comment on it, but with more criticism than members from each party moving along—



**Mr Marchese:** Mr Taylor, all I'm saying is if we get into power, boy, am I ever going to be in trouble. I'm going to say to our leader, "We're only putting in New Democrats here," and I'm going to read that quote that you just read out.

Mr Taylor, I've got a couple of questions.

*Interjections.*

**Mr Marchese:** Relax, guys. What are you guys doing here, anyway?

Mr Taylor, comments and questions: in the debate over the Tenant Protection Act, the proponents, the supporters, M. Leach—mon bon ami at the time, who has now left for better things—used to argue, and many other supporters, that there's very little new rental construction in Ontario. Vacancy decontrol would change that. People would have the incentive and they would build. Lo and behold, we have less construction now than ever before. The supporters of that bill said, "Rents will not skyrocket under the new act." Lo and behold, rents are skyrocketing, not just in Toronto but throughout. The existing housing stock is run down, with estimates of needed repairs running as high as \$10 billion. Lo and behold, in the last couple of years, there's been an incredible increase in terms of repair applications to the tribunal. I know you will be an adjudicator, but you did say you might have an opinion on some of these things. Do you have an opinion on that?

**Mr Taylor:** I suspect that is a tenant protection that has taken place, where the repair applications—I don't know whose side has made the application, but either a tenant or a landlord could make a repair application. So that may be the reason for the increase: to bring the landlord to do the repairs that are required, either by the municipal standards bylaw or some other bylaw. I haven't got any facts as to—

**Mr Marchese:** And on the other things that I raised?

**Mr Taylor:** On the other ones I have no knowledge, other than what appears in this material prepared by David Pond.

**Mr Marchese:** I understand.

**Mr Taylor:** I haven't studied it to the extent of whether it is or is not—

**Mr Marchese:** I was just wondering whether you had an opinion. Do you have any opinions, feelings, about landlords?

**Mr Taylor:** Like do I dislike them or like them?

**Mr Marchese:** Yes, what do you think?

1030

**Mr Taylor:** I know some. Having sat, as I told you, for a number of years in the Small Claims Court, where these matters used to be, there are some landlords that would annoy me just by their atmosphere and what they did in regard to their buildings. There are other landlords that pleased me in what they were bringing forward. Similarly, on the tenant side—

**Mr Marchese:** I was about to ask you—

**Mr Taylor:** —you would find some tenants certainly had rights to bring and problems that were not being corrected in applying the law and the facts. In my court

those were applied judiciously and in accordance with the law, but fairly. Sometimes the landlords were not the winners and sometimes the tenants were not the winners. What you usually find is that where a landlord tries to go for rent, the tenant says, "Here's why I'm not paying rent." Usually you'd see a very dilapidated or less-than-perfect building.

**Mr Marchese:** I get the impression you would be fair as an individual and as a lawyer in practice, obviously. You can look at both sides.

**Mr Taylor:** I hope so. I don't have a bias one way or the other. When the material comes before me, I look at the individuals and make a decision at that particular time.

**Mr Marchese:** CERA, the Centre for Equality Rights in Accommodation, did a study which was referred to by the Liberal member. It's one of the points that we have been talking about that is of serious concern to us. Of the 411 households they have studied, they've found that of the tenants interviewed, 29% said they had never received copies of the eviction application and 32% of the tenants contacted did not realize that they had to respond to the notice in writing within five days.

New Democrats are thinking that this is a serious concern and that if people either have no knowledge of an application or, where they do see it, they don't understand they've got to respond in five days, it ought to be a serious concern to people in general. Do you have an opinion on that?

**Mr Taylor:** I saw that and I would agree with you. Supposedly, if the process is working properly, first of all, there has to be some notice by the landlord to the tenant or vice versa. That's to say, by the way, "If you don't do this, then there will be an application made." The application notice is then sent. In the material that I would receive from the tribunal, I have to receive an affidavit that the person has served those documents. That means supposedly, in the process of serving, those documents should be in the hands of the tenant or the landlord. Then you move to, do they understand them? The forms seem to be simple enough and explanatory enough. Whether they comprehend, having read the words, the consequences of not doing anything, would be something for the tribunal to do. I know, sitting as a Small Claims Court judge, there are many similar forms that go out. To me it is always startling how, as that progress goes along, again, the statements are made that people do not receive these documents. Sometimes they do not get them, for any number of reasons, because they're allowed to be mailed.

**Mr Marchese:** For a variety of reasons. We're not all lawyers or professors or teachers or professionals who understand things, even though they might appear simple to those of us who have an academic background.

CERA recommends two things which to me seem to be reasonable. "The length of time within which tenants must respond to an eviction notice should be extended from five to 14 days," which was the case before, and "the Ontario Rental Housing Tribunal should communi-



cate directly with tenants who are facing an eviction to ensure that the tenant is aware of the proceedings against them." Doesn't that sound eminently reasonable?

**Mr Taylor:** I have no difficulty with changing those dates, but you legislators would have to do it. Frequently, time frames in all of our court proceedings are short, which does give grief to some parties; I can't deny that. You get them and you have to make decisions.

The only thing I can say in defence of the shorter time frame is that prior to anything happening by way of the application, they should have received some other notice from the landlord or tenant, in reverse—

**Mr Marchese:** But we just argued, for a variety of reasons, at least in terms of this research and from a lot of things we hear, many of them don't get it. In order to prevent that, we're trying to suggest to them—and you as a former politician, would presumably have some sympathy for this—that we need a mechanism to make sure they get it. Hand deliver it.

**Mr Taylor:** Hand delivery is one of them. I know they've put them under the door, they've mailed them. There are any number of opportunities to do it. I don't know what the most precise one is.

I have seen problems in our court system the same way. The one that I chuckle with the most is that nobody ever seems to receive it in the Small Claims Court until the sheriff comes to the door and says, "You must pay this or we're taking you to jail." That's the first notice that they seem to get, which is amusing to me, but I sometimes look cynically at whether they did receive it or whether the person who said they gave it to them or mailed it to them did do that. But I have no way of contradicting them.

**Mr Marchese:** But the suggestion you find reasonable?

**Mr Taylor:** No, I have no difficulty. If somebody wants to extend those time frames, it would be a matter of, are they worthy to be extended, having studied them?

**Mr Marchese:** But "somebody" is them, right? Your colleagues. They're not listening to us. What do we do? Help us out, Mr Taylor.

**Mr Taylor:** I don't know whether I can help you out on that. I'm sure, having looked at CERA and the other ones, they could come to a conclusion that time frames should be changed. I'm sure the director could produce statistics from the tribunal, the overall statistics to say, "Can we match this centre for equality study's accommodation information, or are they the authority?"

**Mr Marchese:** Thank you, Mr Taylor. Good luck.

**The Chair:** That completes the questioning of Mr Taylor. Thank you for appearing before the committee.

**Mr Taylor:** Thank you, Mr Bradley and members, for the opportunity. Hopefully, I will, if I receive the appointment, do the job with your satisfaction and approval and not do anything contrary to law.

**The Chair:** Thank you kindly, sir.

## BRUCE MILLER

Review of intended appointment, selected by official opposition party: Bruce Miller, intended appointee as member, Ontario Police Arbitration Commission.

**The Chair:** The next individual to appear before the committee and that the committee will consider is the intended appointee as member of the Ontario Police Arbitration Commission, Bruce Miller. I'll ask Mr Miller to come forward, please.

Good morning, Mr Miller. As you have probably heard, you have an opportunity to make an initial address to the committee, should you see fit, or to share with us any information you think would be appropriate and useful for the committee.

**Mr Bruce Miller:** Good morning. Just a couple of brief remarks. First of all, the Ontario Police Arbitration Commission is comprised of a chair, two representatives recommended for appointment by the Ontario Association of Police Services Boards and two representatives recommended for appointment by the Police Association of Ontario.

The Police Association of Ontario has put my name forward as one of their two representatives on the commission. I have attended the last two meetings of the commission as an observer, pending my appointment. I understand that you all have a copy of my resumé, but I would like to go over some of my qualifications for this position.

I was a police constable with the London Police Service for 22 years. I served in a number of front-line areas and take pride in the fact that I received the Ontario Medal for Police Bravery, the Canadian Police Association Award of Excellence and the Police Exemplary Service Medal. I was hired as the administrator of the Police Association of Ontario in December of last year. Historically, our administrator has always sat on the commission. I served on the board of directors of the Police Association of Ontario as director, as chair and president from 1995 to last year. I also served on the executive of the London police association from 1992 to 1998.

I am a graduate of McGill University and have the benefit of an extensive number of courses, conferences and workshops in the labour relations field. I also have a wide range of practical experience in the field and believe that my qualifications leave me well-suited for the position on the Ontario Police Arbitration Commission.

Those are my comments. I would be pleased to try and answer any questions that you may have.

**The Chair:** We'll begin this time with the official opposition.

1040

**Mr Crozier:** Good morning, Mr Miller. Welcome to the committee. You were in the room when the first appointee was brought in, so I just emphasize that often-times individuals are requested to come to the committee so that we can get a feeling about how they feel about the



job they're about to be appointed to. For that reason, among others, it's nice to have you with us this morning.

You just mentioned that you were a police constable for 22 years. Does that mean you've retired or, because of your position now, you no longer are a police constable in London?

**Mr Miller:** I'm currently on a leave of absence from the London police force.

**Mr Crozier:** OK. I just wanted to clarify that. So you're still a police constable.

My understanding is that the arbitration commission doesn't get directly involved in arbitration. In other words, you don't sit at the table. You administer, you see that arbitrators are appointed, and you see that the process works. Is my understanding of that correct?

**Mr Miller:** That's correct, sir.

**Mr Crozier:** So you don't actually get involved in the arbitration.

**Mr Miller:** We don't have any influence over any decisions.

**Mr Crozier:** What was your particular interest for wanting to be appointed to this commission?

**Mr Miller:** In the first instance, legislatively the police association puts forward the two representatives as per the Police Services Act, and my name was put forward. The administrator has always served on the commission because it's a venue where we can see how things are going. It allows us to liaise with police service boards and their representatives to pass on the information to our members and to ensure that the process continues to run smoothly.

**Mr Crozier:** Does the police arbitration commission get involved both with the OPP and what I call community police services, those that are independent?

In my area, as you probably well know, the OPP carries out policing services in Kingsville, Tecumseh and Lakeshore, whereas LaSalle, Amherstburg and Essex have their own local police services. Does the arbitration commission get involved from both the OPP side and the Ontario Police Association?

**Mr Miller:** It's almost entirely municipal police matters, but there are some limited areas that apply to the Ontario Provincial Police.

**Mr Crozier:** I'm more familiar with a local police service, ie, one of the communities like Essex or Amherstburg that I've mentioned, than I am with those where policing services are provided by the OPP.

You are in fact a decision-maker and an opinion leader, as far as your experience to this date. Now you'll be appointed to the arbitration commission. Do you have any opinion on the recent debate that's been going on about the police associations being involved in political activities? Do you have any opinions in those areas?

**Mr Miller:** Certainly that we have a right to be politically active. Our people are on the front lines and closest to a lot of the law-and-order issues and we, like anybody else, have a right to express our opinions.

**Mr Crozier:** So you, for example, didn't have any problem when the Toronto Police Services had their

sticker campaign where you were visibly known to be a supporter of the police by having a sticker in the windshield? That's OK?

**Mr Miller:** The Toronto Police Association's members are not members of the Police Association of Ontario.

**Mr Crozier:** I'm aware of that. Does that mean you don't have an opinion, then, about what they do?

**Mr Miller:** We respect their right to do what they do. They're a professional organization. They're closer to some of those issues because they're not in our organization presently.

**Mr Crozier:** Why aren't they?

**Mr Miller:** I suppose, sir, with all due respect, that would be a question that would be best directed at the Toronto Police Association.

**Mr Crozier:** Are you interested in having them back in the Ontario police association?

**Mr Miller:** Just to correct, it's the Police Association of Ontario.

**Mr Crozier:** The Police Association of Ontario.

**Mr Miller:** We do see a benefit in a united membership.

**Mr Crozier:** I would hope so.

I can't think of much else that I have to ask you about. You are listed on the Police Association of Ontario Web site as the administrator of the London Police Association, so you'll still retain that position, will you?

**Mr Miller:** I don't believe I'm listed as the administrator of the London Police Association; that person is Bob Wilson. I'm the administrator of the Police Association of Ontario.

**Mr Crozier:** OK. I'll ask David Pond to recheck the Web site, because that's some of the information we have.

Help me. What would happen in the case of an arbitration issue with the London Police Association and the police services board of London? Would you have any kind of conflict there? I just don't know, so I'm asking you how you feel in a case like that.

**Mr Miller:** The Ontario arbitration commission is at arm's length from local matters. I can tell you I think London is reflective of a good working environment that we have with management and with police service boards. In London, we never went to interest arbitration in the 22 years that I was there. We were always able to negotiate collective agreements.

**Mr Crozier:** That's great. I found it the same when I was on the police services board myself. I was supportive of the local police and appreciated working with them. I tell anyone who comes before us who has police experience that when I was mayor I asked if I could go out in a patrol car for a night. I have to tell you, if all our citizens could do that—certainly if all our elected officials could do that—they'd have a better opinion of some of the problems that our police services face on a day-to-day basis. That experience is one I'll not forget.



Thanks for coming before the committee. I wish you well in your appointment. Perhaps we'll see you again some time.

**The Chair:** To the third party, Mr Marchese.

**Mr Marchese:** Mr Miller, I only have a few questions.

I look at the role of the arbitration commission and it says: maintains a register of arbitrators; assists arbitrators by managing the administration of the arbitration process; fixes the fees of arbitrators; sponsors the publication and distribution of information about collective agreements, arbitrations, and awards; sponsors research on the subject of agreements, arbitrations and awards; and maintains a file of agreements.

Is there anything you would change in all of that in terms of what you think ought to change, or do you think what is there is reasonable and doesn't really need much changing? Have you thought about it?

**Mr Miller:** I think the legislation as it stands has served both communities and our members well.

**Mr Marchese:** I have another question. By the way, I have tremendous respect for the police and the work they do. I wouldn't do it. There are a few jobs that I just don't think I'd be capable of doing. But it's a hard job and it's something that—

*Interjection.*

**Mr Marchese:** What's so funny? It's a difficult job. They put their lives on the line often.

**Interjection:** What's the question?

**Mr Marchese:** The question: given that, do you think they should get more or less than other workers at city hall, given the fiscal conditions they find themselves in, that this government has generously passed on to the city? What do you think about that question? Do you think police are entitled to more or less or the same? What do we do?

**Mr Miller:** I'm somewhat confused. Are you talking about a base salary or percentage increases? There are different comparators. We've always put forward the role that police officers do, and civilian police members. It's becoming increasingly difficult and challenging. But I'm somewhat confused by the "more or less," or who you're comparing us to.

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**Mr Marchese:** I wasn't comparing—oh, to the other workers that the city of Toronto administers, as an example. Mel Lastman said the other day, "We've got a problem. We've got to freeze wages." Otherwise we've got to fire, presumably, policemen and policewomen and firefighters. I don't know how we're going to do that. He was talking about freezing wages and that if they didn't like it, he thought we might have to fire people. That would be a problem.

I raised this question in that context and in the greater context of the fiscal problems the city is having, and I was asking you, how do we deal with that?

**Mr Miller:** I think those decisions are basically passed on from the community to their elected leaders.

We commissioned an Angus Reid poll in 1996 which showed that the majority of Ontarians would approve of increased taxes for policing because they were concerned with community safety and they saw it as a priority over other municipal services. I think that's the way Ontarians feel, and they are concerned about their own safety.

**Mr Marchese:** So, Mr Miller, what do we do? The public says, "We need them. Safety is a big issue. Policemen and policewomen should be better paid." The city, Mel Lastman, says, "We've got a problem, a fiscal fiasco." They blame the Tories, and rightfully so, of course, but they've got a problem in terms of the money. We don't have it. You're saying the public supports higher fees, but it means tax increases of a great proportion to be able to meet their deficit, let alone any other increases. So what do we do?

**Mr Miller:** That survey did show that over 50% of Ontario's homeowners would pay increased taxes to ensure community safety. We appeared at the pre-budget hearings yesterday in regard to policing, and certainly we have seen a number of very positive steps taken in the last several years in terms of putting more police officers on the street, in terms of strengthening our laws, and we certainly appreciate that.

**Mr Marchese:** I'm sure you do, and by the way, I support the idea of having more police on the beat. I met Julian Fantino the other day because I was doing a program and he was doing a program, and he was the one who pointed out to me something we pointed out in the Legislature: that when New Democrats were in power, we had 1,000 more police on the streets than we do now. He said there were 400 more police on the streets in Toronto than now. He said that before I even commented on the issue. So I was happy; I agreed with him. I said, "You're right. Nobody's listening to us; maybe they'll listen to you. Maybe you should say it more publicly."

I agree with the idea of having more police on the streets, but you're saying, "The public agrees. However the mayor and the city deal with this issue is not my problem. We should have more police, and people will pay for it, and however they deal with this is not really my problem." You have no opinion on that, more or less?

**Mr Miller:** No opinion? I'm saying I think the elected leaders react to their communities and I don't see any decisions being made in this area. Are you talking provincially, sir, or just about Toronto?

**Mr Marchese:** Yes, I was talking about Toronto. I'm saying they have a deficit and they're trying to cut \$300 million. They have a fiscal problem.

**Mr Gilchrist:** You said there were 1,000 fewer police province-wide.

**The Chair:** Order.

**Mr Marchese:** Province-wide, and in Toronto there are 400 fewer.

**Mr Gilchrist:** Answer his question, then.

**Mr Marchese:** I was saying in Toronto they have a fiscal problem and it's hard for them to address those issues. I was saying, "How do we deal with that?" and



was asking how we deal with the fiscal problem. But I think I've got enough from your answer, so I thank you.

**Mr Miller:** Thank you, sir.

**Mr Marchese:** Good luck.

**The Chair:** To the government members.

**Mr Garfield Dunlop (Simcoe North):** You say most of the arbitration work will involve municipal police forces.

**Mr Miller:** That's correct, sir.

**Mr Dunlop:** Places like the city of Barrie would be included in that as well?

**Mr Miller:** That's correct, sir.

**Mr Dunlop:** I know there was a long debate over whether they would go to the OPP or keep their municipal police force, but it's interesting listening to the deficits Mr Marchese predicted—

**Mr Marchese:** Sorry?

**Mr Dunlop:** The deficits you predicted—

**Mr Marchese:** What was my name?

**Mr Dunlop:** I can't pronounce it right—Marchese? Sorry.

Anyhow, he predicted a \$200-million deficit for the city. A fast-growing city like the city of Barrie, which I believe is the fastest-growing city in the province today, had a \$5-million surplus last year with all the down-loading that you seem to talk about all the time. I just thought I'd make that point in the Hansard as a comment when we're talking about surpluses and deficits etc around this table today.

**The Chair:** Do any other members of the Conservative caucus wish to participate?

**Mr Wood:** We'll waive our time.

**The Chair:** You're waiving the remainder of the time? Thank you very much.

Thank you, Mr Miller, for appearing before the committee.

**Mr Marchese:** Mr Chair, just as a reminder, my name is Marchese, in case in the last couple of years people haven't picked it up.

**The Chair:** Thank you for that clarification, Mr Marchese.

#### BOB BETTS

Review of intended appointment, selected by official opposition party: Robert J. Betts, intended appointee as member, Ontario Energy Board.

**The Chair:** The next individual to appear before the committee is an intended appointee to the Ontario Energy Board, Mr Robert J. Betts. Mr Betts, you may come forward, please. As you are likely aware, you have an opportunity to make an initial statement to the committee should you see fit. Then there will be questioning by the three parties if they see fit.

**Mr Bob Betts:** Thank you, Mr Chair and committee members. I'm honoured to be here today and appreciate the opportunity to cover some of the items that I believe you should know about myself.

I am a happily married man, a father of two, grandfather of one, with one on the way. I was born and raised in Toronto and attended the University of Waterloo; I studied mechanical engineering at that university. I began my working career with Shell Canada just three blocks south of here at 505 University Avenue. They trained me well in all aspects of corporate marketing, planning, financial management and strategic planning, and allowed me to experience business challenges that most young people are not given at that early stage of their careers.

In our early 30s, with my wife's support, we acquired a mechanical contracting business and began a new phase of our lives in Gravenhurst in Muskoka. That business has made me familiar with field-level work associated with, among other things, natural gas, propane and electricity handling and transmission systems. In addition to that, I learned that controlling costs is the single most important component of business survival and success. I learned that a business is measured by its reputation for honesty, consistency, dependability and concern for its customers. I managed our corporate and financial resources and maintained control by doing my own accounting and bookkeeping, and in fact preparation of our own financial statements.

Twelve years ago I entered municipal politics and have since sat on both the town and regional levels of municipal government. For the last six years I've enjoyed and been proud to be the mayor of the town of Gravenhurst.

As mayor and commissioner, I took an unusually strong interest in our local utility. I led it through an expansion under Bill 185, and we were one of only 20 municipal utilities to seize that opportunity. We acquired additional customers from Ontario Hydro and effectively doubled our size. I was asked to be spokesperson for 14 of those expanding municipal utilities in policy discussions with energy ministry staff, and transfer agreement negotiations with Ontario Hydro senior executive.

I led our town's investigation into whether to merge, amalgamate, sell or keep our utility, and finally, after deciding to keep and operate it, I assumed a role as a founding director and assisted our utility to restructure under Bill 35 as a new local distribution company.

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Last summer I decided to end my career in municipal politics. At the same time, my son indicated his interest in taking over our family business. These decisions, together with my interest in the electricity sector, and sparked by a friend's casual comment that there were two openings on the OEB, led me to send a resumé to Minister Wilson. I sent that resumé roughly November 5, which in turn led to an interview with the minister, with Chair Floyd Laughren and a representative of Management Board, and that was on December 20. I felt that the interview went well, and I was pleased to hear on January 17 that there had been an order in council and that now I must await concurrence of this standing committee.



If I may, I would like to set the record straight about a newspaper report that suggested that the government had strategically planned my appointment for some hidden political purpose. Mr Chair and committee members, there has never been any political force pushing me into this position on the OEB. The idea was mine, the motivation was mine, and the effort has been all mine. It was not until several weeks after I had prepared my letter of application that I even informed my member, Mr Eves, of my intentions. At that time, he indicated that he felt I would be a good addition to the OEB and that he would support my application, should he be given the opportunity to do so.

I would just like to close by saying that I have lived in a large urban centre, I've lived in a rural home and a small-town setting and I can understand the consumer issues of all of those areas. I offer knowledge and experience gained from large multinational corporate exposure, small business management and by involvement in government and legislative systems.

Mr Laughren has expressed to me his pleasure at the prospects of having me join his team and I hope you, the committee members, will concur. Thank you, Mr Chair and committee members.

**The Chair:** Thank you very much, Mr Betts. We'll commence the questioning with the third party.

**Mr Marchese:** There's a New Democrat, Mr Floyd Laughren.

**Mr Dunlop:** You're right.

**Mr Marchese:** If we appoint one or two, then we can say, "Ha."

**Mr Gilchrist:** We took all the good ones though.

**Mr Marchese:** Mr Betts, I have some concerns about the deregulation scheme of this government on electricity. In my view, electricity is something that we depend on for almost everything, public and private, and our economy really depends on that as well, I argue. So I'm concerned about deregulation.

I like the old system, the public power system, which involves one single system of generation, publicly owned, with one pool of power. It seemed reliable. We were getting good rates, at least cheaper than the US. I'm afraid this is going to change. As I looked at the California experience, I thought, it's making me nervous. I wondered, when you saw what's happening there in California, what you felt and what your thoughts were about that and how, presumably, this could never happen in Ontario.

**Mr Betts:** Certainly it's reasonable as a consumer to be nervous, and I share that nervousness. But in looking at the situation in California versus what we have here in Ontario, I think there are some significant differences that might suggest the course would be different here in Ontario.

First of all, the degree of regulation in California effectively established a price to the consumer or the retailer in most parts of that, but it allowed the generator a great deal more flexibility in terms of their pricing. You add to that some other things that were happening in the

marketplace in California, the fact that there was an increased demand in this particular period, not only an economic boom in California, but an unusually cold period of time that really pushed the generators in terms of their energy supply requirements.

Those kinds of factors contributed to an unusual situation that caused the cost of generation to go up and unfortunately did not allow in most cases the pass-through of those costs. In some cases it did, but in every case it's caused some serious problems.

In Ontario, on the other hand, we are rich in generation at this point in time, and we certainly have substantially more than even what our peak loading is expected to be. That's a positive thing. It is controlled at this point by OPG and it truly does give everybody comfort to know that, but we also know that over time, to deregulate, we'll be expecting them to reduce their share of that market.

We are unlikely in Ontario to be faced with the shortage of generation to the extent that California has been. They have the Pacific on one side; they have the Rockies on the other side. There are a limited number of people that can supply them. In Ontario, we can be supplied happily from Quebec, New York, Minnesota and Manitoba, and there are some others that are being extended now.

**Mr Marchese:** So you don't see any problem vis-à-vis what happened there possibly happening here? You're giving reasons why it might not happen or ought not to happen, and presumably we would have whatever means in place to make sure that we prevent it, more or less?

**Mr Betts:** I would say that the things that caused this to happen in California are unlikely to cause that here in Ontario.

**Mr Marchese:** What about the other concern? The Canadian Energy Research Institute, sponsored in part by the Ontario Ministry of Energy, revealed the following: they found that privatization in the UK pushed prices up higher than they otherwise would have been and that investors earned stunning rates of return at the expense of the consumer.

I'm afraid of that. Does that worry you? Forget about the investment rate of return. That's what they're there for, right? To make money. But what about increases in prices?

**Mr Betts:** I think increases in prices will be driven by the marketplace, when we can ever reach an unregulated market. We are not in that position at this point. Regardless of what we think, it is a regulated market and it will be for some time.

If we can introduce competition—and I believe this is the objective of the minister—I believe that the forces within a competitive market will cause those prices to be as good as they can be. That doesn't mean that the participants in the market won't attempt to maximize their profits. That's what drives our economy. But I do believe that competition is one of the few safe ways of controlling that.



**Mr Marchese:** So you support deregulation?

**Mr Betts:** Yes, I do.

**Mr Marchese:** Do you think the Ontario Power Generation ought to be required to make energy conservation one of its priorities?

**Mr Betts:** I believe all participants in the energy sector should have that as one of their priorities, to maximize energy conservation. It's in all of our interests, going right back to the environment and our natural resources, to maximize those.

**Mr Marchese:** Is that one of your priorities?

**Mr Betts:** Certainly, personally it is. I would say that to the extent that I'll have the opportunity to judge those issues as an adjudicator, I would hold that to be high.

**Mr Marchese:** And you would advance such a view with other board members, including mon ami M. Floyd Laughren?

**Mr Betts:** Whenever I had the opportunity to express that, I would do so. I believe that energy conservation, as well as efficiency within the participants' own area of expertise, will help to reduce the costs and therefore keep the price to the consumer down. I think that is, on the bottom line, what all of us want.

**Mr Dunlop:** Mr Betts, thanks very much for coming today. I just wanted to ask you a question about your role in the utility in Gravenhurst for the number of years you sat on the commission there, and I know you went through an expansion. Did you have any of your own power generation there or did everything come from Ontario Hydro? I know with all the streams, lakes and rivers around that area—I just couldn't remember.

**Mr Betts:** No, all of the generation for the Gravenhurst utility is provided through Hydro One now, or Ontario Hydro. The communities to the north and south of us enjoy some generation themselves, and that would be Orillia, as well as Bracebridge.

**Mr Dunlop:** I just wanted to compliment you. I spend a fair amount of time in Gravenhurst. I go to the Seguin at least once a year and it's always nice to visit your community. I know there's been a lot of work that's taken place in that community over the last few years, and I congratulate you for that work.

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**Mr Betts:** We're proud of the community. Thank you.

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** Thank you kindly. Mr Crozier, of the official opposition.

**Mr Crozier:** Good morning, Mr Betts. How are you today?

**Mr Betts:** I'm very well, thank you. Yourself?

**Mr Crozier:** I'm fine, thanks.

**Mr Betts:** Especially being a new grandfather, you should be.

**The Chair:** There's good research.

**Mr Crozier:** Is the note on the Web already?

*Interjections.*

**Mr Crozier:** I'm particularly proud of that. It was difficult on me.

Former mayor of Gravenhurst. You said last summer you decided to move out of the political arena. Why would you give up one of the best jobs in the world, being mayor of a town like Gravenhurst?

**Mr Betts:** Several reasons, and it wasn't an easy decision. I'd have to tell you that I actually announced prior to that my intention to run for mayor, and then I announced that I was not running. I had been at it for 12 years and I came to the conclusion that, particularly in the next race, I was really now running because it was a race, it was another competition. You've been there yourself. You almost look forward to the event, rather than the conclusion. I began to wonder, if I won—and there was a very good chance that I was going to—would I then be happy in winning? That was certainly in the back of my mind, and I wasn't certain that I would be.

I felt that I had achieved personally the objectives that I had set myself in governance. From day one, I started off, I seem to recall, with about three platforms and worked hard on them from start to finish. I felt that we had moved our community out of a terrible depression, almost, because of some changes that occurred in our economy some eight years ago and moved it to something that I looked at as a bright future. So I felt it was time for a change, perhaps, and a time for a change for me as well.

**Mr Crozier:** You made reference to a newspaper article and wanted to correct the record on that. I have one here from the Bracebridge Examiner on February 1, where it says, "Betts has often been cited as a possible successor to Parry Sound-Muskoka MPP Ernie Eves in the case of the latter's rumoured impending retirement." Is that correct?

**Mr Betts:** It's correct it was a rumour. I think the fact that I retired when I did would probably have caused someone to think that that was even a more supportable rumour.

**Mr Crozier:** Certainly when I look at your resumé, I see that not only might they be kind of taking a good competitor away from Mr Grimmett, but you would have probably made a fine candidate for that too. Anyway, I share some of your background as being a mayor of a small community, and that's why I originally asked the first question.

You were on the public utilities and you said you were quite active and interested. Were you chair of the public utilities at that time?

**Mr Betts:** No, as the mayor, I sat as a member. Although the opportunity arose, I didn't feel it was appropriate for the mayor to be actually chairing that committee. We always sought someone who could put a little more effort in and certainly bring a sense of independence to it.

**Mr Crozier:** You said as well in answer to some questions that you are a proponent of deregulation and the direction in which we're moving in the province. We talked a bit about California. Alberta is another one where things do not seem to be going well, and the example of England. Can you give me an example of a



jurisdiction in which there has been deregulation and competition introduced that's been good for the public?

**Mr Marchese:** That's a good question.

**Mr Betts:** I haven't researched that thoroughly. Hopefully, I'll learn more about this as I get into it. But I understand that Australia has had a relatively successful movement toward deregulation. Despite what was said, I've heard that the United Kingdom's experience has not been that bad. I'm afraid I couldn't give you too much detail, but I've heard that there are positives from that that suggest the future should be even better for them in energy than they saw in the first case.

**Mr Crozier:** The reason I mention that is, I appreciate that you may not—none of us—know of all the jurisdictions perhaps that have tried this, but it just seems to me that the rhetoric surrounding this deregulation issue is, "Things will get better; I can't give you an example of where they've gotten better, but we're all looking to the future," and yet all we hear are horror stories. I want to see us do what's best for the consumers in Ontario, no doubt, and I think we all share that objective. But notwithstanding the fact that you've said you would be a proponent of this, I have yet to be convinced that it's the right way to go. In light of what I've just asked and what we've just discussed, what makes you a proponent of privatization and deregulation and competition?

**Mr Betts:** It's probably more fundamentally theoretical than anything else. This is a very complicated market, you're absolutely right, and no matter what happens, it really can't be unregulated. There are components in it that must be shared and will have to be managed in a sense that all the participants who are acting competitively get a fair shot at all of that at a fair price.

I just believe fundamentally that, generally speaking, with few exceptions—and none come to mind right now—the free enterprise system and profit-motivated businesses, as long as consumers have choice, will create a better, more effective system than government, and I say that with all due respect, coming from government as well. I believe the opportunities for better service, better performance and lower prices exist only as we can get closer to a competitive environment.

**Mr Crozier:** Notwithstanding the fact that you can't give an example of it; that's interesting.

You say "provided there's choice." That's an interesting comment that's added. We read in the paper this morning that the Premier is even more enthusiastic about a two-tier health care system, provided there's choice, notwithstanding the fact that the United States, which is our closest example, has a system that is considerably more expensive than ours. I don't mind change and I want to move in the right direction, but when nobody, it appears, can give us examples of how it can be successful, I really have a concern.

You've said it's one of those things that needs to be regulated. Why does it need to be regulated? Why can't we get the best of everything, move to full competition in energy production in Ontario, totally deregulated, and let

the best survive, those who can give us the best service at the best price? Why regulate it at all?

**Mr Betts:** Right now the energy has to get from the generator to the consumer through wires. It's impractical, it's impossible to think that every competitor could have their own set of wires going to a consumer so they could provide their energy whenever the consumer decided to switch. Perhaps some day, if some bright scientist can figure out a way of transmitting that energy through the air by some energy source directly to a consumer, I think at that point you would have true and unregulated competition. Unfortunately, there are major components within the system that must be shared, by definition, and they require someone to look out for the consumer, someone to think like a consumer, someone to ask consumer-like questions of those people to ensure that we're getting the best price.

**Mr Crozier:** Natural gas prices are another one that's at the top of the list these days. The Ontario Energy Board, which you'll be appointed to, I don't doubt, regulates price on distribution. The general public, I feel, is not well enough informed as to what really affects natural gas prices, ie, the cost of the gas itself, and the regulated side, which is the cost of distribution. Do you see the Ontario Energy Board playing a role in the education of the public when it comes to the cost of energy, be it natural gas and/or electricity?

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**Mr Betts:** I think within the mandate of the Ontario Energy Board there is certainly a component that says there is a responsibility to assist the whole market, including the consumer, to move to a more efficient arrangement, to use the energy more efficiently. I think that is one of the ways the board could help. It does relate to pricing but clearly there are few motivations any stronger than rising prices to move the consumer and all participants toward an energy-efficient environment. I think if we looked at trying to promote that energy efficiency, we would probably find that we would accomplish what you're looking for.

**Mr Crozier:** It will be interesting to see, if and when this market opens up—I see there's a newspaper report this morning that says, "The target date in a plan submitted yesterday by the Ontario Energy Board and the Independent Electricity Market Operator is...." They're looking at November again.

I think the public is confused. The public is getting messages from California and Alberta and other places which aren't the best direction we could go. We continue to delay the introduction of it. I just hope, perhaps along with you, that we might get an example, just a glimmer of hope that this might be the right direction. I hope we're not making a terrible mistake. So do the best you can to prevent us from doing that from the Ontario Energy Board's point of view, please.

**Mr Betts:** I will do that, given the opportunity.

**The Chair:** Thank you, Mr Betts.



## MELINDA ROGERS

Review of intended appointment, selected by official opposition party: Melinda Rogers, intended appointee as member, Ontario Media Development Corp.

**The Chair:** Our next intended appointee is an intended appointee as member of the Ontario Media Development Corp, Melinda M. Rogers. Ms Rogers, would you like to come forward to the chairs provided. As you are likely aware, you are welcome to make an initial statement to the members of the committee. Subsequent to that, each of the three parties will have an opportunity to offer questions to you. Welcome to the committee.

**Ms Melinda Rogers:** Thank you for the opportunity of appearing this morning. I'm very pleased to be considered for the appointment to the board of the OMDC. If you'll permit me, I'd like to take a few minutes to review with you my background.

As you may already know from my resumé, I was born and raised in Toronto, Ontario. I completed my undergraduate education at the University of Western Ontario and later received my master of business administration from the University of Toronto.

I am currently the vice-president in charge of venture investments for Rogers Communications. In my present capacity I'm directly responsible for sourcing, developing and managing the venture investment side within Rogers Communications. As part of this role, I work with the operating companies of Rogers and the companies in which Rogers has an investment, to identify and structure mutually beneficial relationships. I also function as the company's liaison with other venture capital funds with which the company has either an investment or a business relationship. Many of these are in the States as well as Canada.

I believe my background and experience will support the efforts of the OMDC in reaching out to the converging media sectors within its expanded mandate. Having worked in a family company that spans all of the converging communications sectors, I have been fortunate to work in publishing, radio, production, television and digital media. Additionally, my work experience in Silicon Valley with Excite@Home in sales and marketing, product development and business development has provided me with great exposure to the emerging technology in interactive media space.

With that in mind, I believe my experience could assist the OMDC in fulfilling its mandate over the next few years. I look forward to the opportunity to dedicate my time and knowledge to working with the OMDC. Thank you.

**The Chair:** We'll commence our questions with the government.

**Mr Wood:** We'll waive our time.

**The Chair:** The government has waived its time, so we will move to the official opposition.

**Mr Crozier:** This appointment is to the Ontario Media Development Corp, which is a relatively new

structure, only recently announced, and it will focus on, we are told, encouraging strategic partnerships among the converging cultural media industries, including film and television production, book and magazine publishing, sound recording and interactive digital media. That's very interesting. What, in your view, does that mean?

**Ms Rogers:** I have yet to participate within the board, but what I've seen in my experience has been that a lot of the different media are beginning to overlap. It's very difficult for a content play, for example, on the Internet to be successful on a viable business model on its own, whereas if you take content and span it over multiple platforms—so you'll take a cartoon series and port it over television, the on-line space, and then you could also develop the rest of it in a magazine or comic book—that is the way for one type of content to span multiple media. You can see the same with it being carried on a wireless platform. To do this, though, you have to get the different sectors to begin to talk together and work together. In Ontario I think, as in many other places, it's difficult to get this to occur naturally.

**Mr Crozier:** Do you see this responsibility of the corporation as one of being proactive on the part of Ontario, to go out into other jurisdictions, other countries, and promote Ontario as a place to come and develop their media enterprise? Would that be part of your job?

**Ms Rogers:** I don't know if it's defined as something to be putting us on to planes and doing, but by no means will we discourage anybody, any foreign group or corporation, from spending their money in Ontario and promoting Ontario. So to that extent, yes.

**Mr Crozier:** Do you think, as an individual, as part of this corporation, that you will be actively involved in working outside the Toronto area in proactively attracting business here?

**Ms Rogers:** To the extent that I could encourage business to come to Ontario?

**Mr Crozier:** Yes.

**Ms Rogers:** I try to encourage it every day whether I'm working for the OMDC or just as a Canadian. My answer is, I will do that. It doesn't change, whether I'm part of the OMDC or not.

**Mr Crozier:** Did you seek this position?

**Ms Rogers:** No, I did not.

**Mr Crozier:** Someone came to you. Who?

**Ms Rogers:** A woman by the name of Justine Deluce. I believe she works for the former minister.

**Mr Crozier:** And outlined what it is that this corporation is about and—

**Ms Rogers:** And asked if I would be interested in having my name put forward.

**Mr Crozier:** When it comes to media—I'm not suggesting anything about qualification; I think you're well-qualified for it—do you think that perhaps they looked to you to join this corporation because of your experience?

**Ms Rogers:** I think there are very few people with qualification in the digital media today, and my experience in Silicon Valley and my ongoing experience with



different individuals within the United States has provided me a lot of insight that I've been very fortunate to have. I think that is in part why Justine Deluce contacted me and asked me if I would consider working with the OMDC.

**Mr Crozier:** How long is the appointment, for what term, or is there a term attached to it?

**Ms Rogers:** I believe it's a maximum term of three years.

**Mr Crozier:** Ms Rogers, according to the information we've been given, and I think you probably have it, the film and television production in Ontario is big business, over \$1 billion. As I say, you are probably aware of that without the information that you were given.

1130

I hope you take from what I was asking you that I'm encouraging, that is, I trust this Ontario Media Development Corp will be a proactive organization in attracting this type of business to Ontario and wish you well in your appointment.

**Ms Rogers:** Thank you.

**The Chair:** Mr Marchese.

**Mr Marchese:** Welcome, Ms Rogers. I'm curious. You are the daughter of Ted Rogers, are you not?

**Ms Rogers:** As far as I know, yes.

*Interjection.*

**Mr Marchese:** Except I didn't know. You would know better than I would.

Obviously Ontario is doing as much as it possibly can to attract film production, because it is big business, and why wouldn't it? The problem is there has been a drop in production. Do you have a sense of why that is?

**Ms Rogers:** I haven't studied the matter, frankly, to be able to tell you why there has been a drop in production. As has been explained to me recently, one of the greater drops has been in domestic production. I'm not sure if foreign production in Ontario has also dropped. I am not aware of what the cause for that is at this time.

**Mr Marchese:** I don't know if they passed this research on to you—I don't think they did in the past, but they probably do now—but it's research that allows us to be somewhat intelligent when we ask questions. They say:

"Adam Ostry, the CEO of Ontario Media Development Corp, has argued that one solution to the problem of Ontario's declining share of production activity is the construction in Toronto of a state-of-the-art sound stage complex. This facility is needed to attract the big-budget, special-effects film productions which generate significant levels of economic activity. It appears that in recent years, the superior sound stage facilities in Vancouver and Montreal are an important reason why those cities are now attracting big-budget film productions."

He's recommending that's what we do, that we create a better state-of-the-art sound stage complex as a way of solving some of the drop. I'm assuming he's probably right. Do you have any thoughts about that?

**Ms Rogers:** I have also read what you have read. I have not heard Adam explain in detail why he believes

building a state-of-the-art sound production system would increase production in Ontario. Given the facts I read, though, as I read them, they state that was one of the driving reasons to increase production in both Montreal and Vancouver. If what I've read is accurate, then that should boost production here in Ontario.

**Mr Marchese:** Right, except we have to create it before that happens, right? We have to actually build it.

**Ms Rogers:** Again, I cannot speak for Adam, but I would not assume he means that the government should build it.

**Mr Marchese:** Right, and that somehow we should find the money for it. I don't know where we're going to find the money for it.

**Ms Rogers:** My interpretation was, he was in the belief that it's a private sector initiative.

**Mr Marchese:** It usually is. With this government everything is private sector initiative and/or at least making sure government and the private sector get involved in doing things, so I'm assuming that's the way we're going to find the money. God bless, and hopefully that will happen in this case.

Can I ask you about tax credits in the field? There's the Ontario production services tax credit, Ontario computer animation and special effects tax credit, Ontario interactive digital media tax credit, Ontario book publishers tax credit. You're familiar with all those programs and the tax credits we provide for them?

**Ms Rogers:** I have read them over recently. Again, I haven't actually joined the board yet.

**Mr Marchese:** I just wondered if you had an opinion about whether a tax credit is effective, not effective, whether we need to do more or less, what else we should be doing. Any thoughts on that?

**Ms Rogers:** I hesitate to give an opinion when I don't have all the information before me, one of the reasons being it might be a very ill-informed opinion.

**Mr Marchese:** Ms Rogers, I wish you luck.

**Ms Rogers:** Thank you.

**The Chair:** That is the end of your questioning then?

**Mr Marchese:** That's it.

**The Chair:** Thank you very much, Ms Rogers, and you may step down.

**Mr Wood:** Mr Chair, I wonder if the committee might be interested in dealing with the concurrences from this morning right now.

**The Chair:** Is there any thought on that? Does anyone wish to object to dealing with the concurrences?

**Mr Marchese:** Dealing with what, Bob?

**Mr Wood:** Dealing with concurrences right now for this morning.

**Mr Marchese:** Of course.

**Mr Wood:** In that case, I will move concurrence in the intended appointment of Mr Taylor.

**Mr Marchese:** Can I recommend we move concurrence with all of them so that we can dispense with the—

**Mr Wood:** Yes, I'd be pleased to.



**The Chair:** Actually, I would prefer if we did them individually, if we can, because that would be perhaps a bit frivolous. I'll ask Mr Taylor—

**Mr Marchese:** Oh, no, no, it wasn't frivolous.

**The Chair:** I realize that, but for the committee it might be. I know what you're saying—

**Mr Wood:** If Mr Crozier agrees with it, I'll do it.

**Mr Crozier:** Pardon me?

**Mr Wood:** Do you want to deal with—

**Mr Crozier:** Sure, let's deal with them individually.

**Mr Marchese:** If there's no disagreement, I would prefer that we deal with it all at once.

*Interjections.*

**The Chair:** I'm not going to accept that particular suggestion. I'm ruling that we're going to do it individually, because I can't make any presumptions as to how they will go. That's fine. It will only take a moment.

**Mr Wood:** I move concurrence in Mr Taylor.

**The Chair:** Any discussion on Mr Taylor's appointment? All in favour? Opposed? Carried.

**Mr Wood:** I move concurrence in Mr Miller.

**The Chair:** Any discussion on Mr Miller's appointment? All in favour? Opposed? Carried.

**Mr Wood:** I move concurrence in Mr Betts.

**The Chair:** Any discussion? All in favour? Opposed? The motion is carried.

**Mr Wood:** I move concurrence in Ms Rogers.

**The Chair:** Any discussion? All in favour? Opposed? Carried. We are adjourned till 2 pm this afternoon.

**Mr Wood:** There's one other matter of concurrence we could deal with, if desired, and that's item 3. I move concurrence in the intended appointment of Mr Johnston.

**The Chair:** For Mr Marchese, who was not the designated member for the New Democratic Party at that time, Mr Johnston appeared before the committee. There were questions directed to Mr Johnston at the request of Mr Wood. It was delayed until a future time, and that concurrence is now coming before the committee. Do you wish to move that now?

**Mr Wood:** So moved.

**The Chair:** Any discussion? All in favour? Opposed? Motion carried.

This afternoon we will return at 2 pm for the intended appointee as member, McMichael Canadian Art Collection board of trustees, Jan Dymond. The meeting is adjourned for this morning till 2 pm.

*The committee recessed from 1137 to 1406.*

**The Chair:** I'm going to call the meeting to order. Ordinarily we might look at different circumstances, but we're going to begin.

#### JAN DYMOND

Review of intended appointment, selected by official opposition party: Jan Dymond, intended appointee as member, McMichael Canadian Art Collection board of trustees.

**The Chair:** Our intended appointee this afternoon is an intended appointee as member, McMichael Canadian

Art Collection board of trustees. I'll ask Janice Dymond to come forward—although I've never known her as Janice Dymond; it is Jan Dymond who is before us.

Ms Dymond, you know that you have the opportunity to make a statement at the beginning—we dutifully subtract the time from the government side when we do this—but that should never intimidate you, because I'm sure we will enjoy your initial remarks. Then each of the parties that is here and wishes to direct questions to you will do so for 10 minutes apiece maximum. Welcome to the committee.

**Ms Jan Dymond:** Thank you very much. I do have a brief opening statement. I will try not to take up too much of the government members' time with it.

Good afternoon, Mr Chairman and members of the committee. My name is Jan Dymond, and I would like to thank the committee for providing me with this opportunity to meet with you today to share with you my qualifications for what is actually a reappointment to the board of the McMichael Canadian Art Collection. You may know that I have served as a trustee of the McMichael since October 1999. As a board appointee, my position ceased to exist with the proclamation of Bill 112. I am pleased that the government has invited me to continue my service with this board.

I would like to take a couple of minutes to give you a sense of my professional experience as well as my background in the cultural field.

In my professional life, I am the principal in a strategic communications consulting firm, Janus Strategy Group. I formed Janus just over a year ago, after working in partnership in a more broadly focused public relations company for over 12 years. I work primarily with clients who are instituting significant organizational change and who need support to communicate this change to their various stakeholders.

From 1981 to 1985, I worked here at Queen's Park as communications assistant to, first, the parliamentary assistant to and then the Minister of Citizenship and Culture. For about 10 years prior to that, I worked in documentary, public affairs and educational film and television production as a researcher, writer, director and producer.

But none of this tells you why I want to serve as a trustee of the McMichael. For that, I think I have to go back many more years. I was born in Ottawa but was raised in Toronto from the age of three. I consider myself fortunate to have been raised in a family where the arts were part of my day-to-day life. My parents, through their active involvement in community and charitable organizations, also instilled in me a responsibility to make a contribution other than through work and family. One of the ways I have chosen to do that is through involvement with cultural institutions.

My first involvement was as a member of the development committee and the marketing committee at the Art Gallery of Ontario. These were board committees charged with raising funds through both special events and tradition fundraising activities. In 1993, I was



honoured with an appointment to the board of the National Gallery of Canada. At the National Gallery I served on several committees including the governance committee, acquisitions committee, marketing and program committee, and the Canadian Museum of Contemporary Photography, which I chaired.

I was approached to become a councillor to the McMichael in 1998. At the time, I was recruited specifically to participate as a member of the retail and marketing committee, an area that fitted well with my professional background as a communications consultant and with my then client groups. As a councillor I had the opportunity to reacquaint myself with the gallery, its challenges and its opportunities.

In 1999, I accepted an appointment to the board as a trustee. There is no question that I chose to join the board at a time of some considerable changes, and I did so because I believe strongly that the McMichael, with its particular focus, has a valuable role to play in telling the story of Canadian art.

The best boards, in my view, are those that have people who collectively can bring a wide range of expertise and experience to their deliberations. I hope I can bring my experience in marketing, change communications and public sector governance to the benefit of the collection and to its stewardship on behalf of the people of Ontario.

I thank you for your attention and look forward to answering your questions.

**The Chair:** We will commence the questioning with the official opposition.

**Mr Crozier:** Good afternoon, Ms Dymond. Welcome to the committee hearing. I appreciate that you started your comments by saying you appreciated the opportunity to come here and tell us why you wanted to be reappointed to this board. So often when folks come before the committee, they believe there is some sort of ulterior motive as to why we have you here, and that couldn't be further from the truth.

Recently a constituent called me on an issue and, as part of the conversation, said, "What do you do?" So as a public relations and public affairs consulting person, what do you do?

**Ms Dymond:** That's a good question. What I do varies a little from client to client, but principally I work with clients who are going through some kind of major organizational change. Change is often difficult for people; it's difficult for organizations. Because large organizations have quite a wide range of stakeholders, they need assistance in figuring out the best way to let their employees, their shareholders, their suppliers and their customers understand why they're making the changes and how those changes will ultimately be of benefit to the organization and, hopefully, to all the stakeholders as individuals as well.

**Mr Crozier:** I'll look at Hansard again, when I'm asked what public relations consultants do, and I'll use that as a reference.

**Ms Dymond:** I should be clear that I have in the past practised public relations; I really don't do very much of that any more. My practice is currently focused on what is usually referred to as strategic communications planning. We work quite often with the business change unit within a larger firm, providing communication support to the other kinds of business transformation activities that are going on. I really don't do public relations any more, which is more involved with direct running of media campaigns, media conferences and those kinds of things. I have really stepped back from that and have focused my practice much more.

**Mr Crozier:** Would the same definition apply to work you've done for the government?

**Ms Dymond:** To some extent, yes.

**Mr Crozier:** You've been on the McMichael Canadian Art Collection board of trustees as a board appointee since—

**Ms Dymond:** October 1999.

**Mr Crozier:** When Bill 112, An Act to amend the McMichael Canadian Art Collection Act, was proposed in June 2000 and its subsequent process, I don't doubt you were quite aware of what was transpiring in that discussion.

**Ms Dymond:** Yes.

**Mr Crozier:** I'd like to ask a couple of questions in relation to that. There is, at least in the view of some, a legal obligation on behalf of the board of trustees to divest the gallery of perhaps as many as thousands of works of art. But again, in the view of some, there isn't any clear statutory criterion to guide you in that divestiture. Could you comment on that?

**Ms Dymond:** Yes. The act, as I read it, is enabling. I don't think there is a requirement to divest. I think that one of the responsibilities of the board, and it may well be something that initiates with the governance committee or the acquisitions committee, will be to develop those kinds of guidelines.

**Mr Crozier:** So you're able to develop, then, the policy under which these works of art would be dealt with?

**Ms Dymond:** I think it would be a responsibility of the board to do that in the absence of any direction in the legislation, yes.

**Mr Crozier:** The legislation does outline the nature of the collection: that the board should ensure the collection reflects the cultural heritage of Canada etc. You may even be aware of the section; it's section 8 of the act. It lists a number of artists and then goes on to say, "Other artists who have been designated by the art advisory committee" under another clause. Would it be in those two areas that you feel the board has the flexibility to determine what pieces of art will be sold and what will be—

**Ms Dymond:** I believe one of the other sections of the act—I'm sorry, I can't cite the section number—indicates that the art acquisitions committee would be in the position to make recommendations about the disposition, de-accession of certain works. If the art acquisitions



committee were to make a recommendation and the board were to accept that recommendation, then clearly there would need to be some kind of policy in place for how that de-accession would happen.

**Mr Crozier:** I have an interest in this, because I'm a citizen of Ontario. I may not be a constituent who has a keen interest in it, but you're acting on my behalf nevertheless. If you can define it, how will you personally approach this responsibility of keeping this collection one that reflects the cultural heritage of Canada? What would be some of the processes of decision you will go through to make sure that happens?

**Ms Dymond:** The act clearly states that the art acquisitions committee has the primary responsibility for that. As a board member, I think I would want to look at not just the recommendation but the reasons behind it. Art and the ability to determine who has made a contribution to the development of Canadian art is obviously something that can be subject to personal interpretation. I may well have a different view than you or someone else on the art acquisitions committee. But I think the only approach one can take is to look at it on the artistic and academic merits.

Part of the role of staff at a gallery like the McMichael or the National Gallery, where I was also involved, is to do a lot of research work that would help the board members make those kinds of determinations. I would not necessarily base it on my personal preferences but rather on the academic and curatorial merits of whether something actually fits within the designation.

**Mr Crozier:** Is it the responsibility of the board to operate in—I was going to use the words “a financially responsible way.” I don't want to put it quite that way, because I think we all should. Is it the responsibility of the board to see that this art collection meets the objectives as put out in here, and to what extent should the board do this, considering making a profit or running at a deficit, if you know what I mean? How do you balance the financial and the cultural?

**Ms Dymond:** In terms of the actual collection itself, clearly the board is required to ensure that the collection reflects the mandate. That's a given, and I don't think there are necessarily financial issues around that, unless of course you get into questions about spending more than you've got on acquisitions, and I don't think that is what you're referring to. I think the financial issues flow more around the expenses of the gallery, the ability to put together exhibitions that will attract people to attend the gallery, that will attract corporate sponsors. But those are more around the kinds of works you exhibit rather than the kinds of works you collect.

**Mr Crozier:** How am I doing, Chair?

**The Chair:** You have one more question.

**Mr Crozier:** When it comes to disposing of some of the art—some of it has been given to the gallery for a

variety of reasons: some in memory, some maybe simply for tax purposes—how do you feel about that, that perhaps you are going to be divesting the gallery of some of these pieces of art that were given in good faith with a view that these pieces would be there forever?

**Ms Dymond:** If I can go back to my earlier comments, I think that's why it's very important that the gallery—and it would be the board of the gallery, I think, that would have the responsibility to do this—put in place a very responsible policy to address possible disposition or de-accession of art. Obviously, there can be tax implications for donors, and there can be legal implications for the gallery and the board. I don't think anyone would want to de-accession pieces in a way that would impact negatively on the gallery or, for that matter, on the Ontario and Canadian artists whose works not may be considered suitable for the McMichael but are still very suitable and terrific examples of Canadian art of their genre.

**The Chair:** That completes your questions. We now move to the government members.

**Mr Wood:** We'll waive the balance of our time.

**The Chair:** The government members have waived their time.

Seeing no more questions being requested, thank you very much, Ms Dymond, for appearing before the committee.

We will now proceed with concurring in the intended appointment.

**Mr Wood:** I move concurrence re Ms Dymond.

**The Chair:** Mr Wood has moved concurrence. All in favour? Opposed? The motion is carried.

**Mr Wood:** I wonder if I might raise one other matter of business before we adjourn.

During the intersession, when we have only five appointments to review on a day, I wonder if we might schedule the fifth at noon rather than at 2.

**The Chair:** Yes, we would normally do so. In this case, our intended appointee in the afternoon was unavailable in the morning. Otherwise, we would have done so. That's an excellent suggestion. Our clerk always tries to ensure, where it is possible, that we do everyone in a morning session when we would only have one or two in the afternoon. Thank you for the suggestion. We certainly would have done that in this case if that were possible.

**Mr Wood:** Thank you.

**The Chair:** Any further business for the committee? If not, I'll entertain a motion to adjourn.

**Mr Wood:** So moved.

**The Chair:** Mr Wood moves that we adjourn. All in favour? Opposed? Motion carried.

*The committee adjourned at 1424.*





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## Legislative Assembly of Ontario

First Intersession, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première intersession, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

Thursday 8 March 2001

# Journal des débats (Hansard)

Jeudi 8 mars 2001

**Standing committee on  
government agencies**

Subcommittee report

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Rapport du sous-comité

Nominations prévues



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 8 March 2001

Jeudi 8 mars 2001

*The committee met at 0936 in room 151.*

**The Chair (Mr James Bradley):** We have a sufficient number of people to begin today. For the purpose of Hansard, I'll declare the meeting underway.

With the permission of the committee, I would like to have us pause for a moment of remembrance for Al Palladini, who passed away, most unfortunately, yesterday, a good colleague of ours in the Ontario Legislature, a man who we all know was revered on all sides of the House and by so many in the province. It might be appropriate if we were to rise for a moment of silence in his memory.

*The committee observed a moment's silence.*

## SUBCOMMITTEE REPORT

**The Chair:** We have some housekeeping matters to deal with in the committee today as well as regular business. We have first of all the report of the subcommittee on business dated Thursday, March 1, 2001.

**Mr Bob Wood (London West):** I move its adoption, Mr Chair.

**The Chair:** Mr Wood has moved its adoption. Any discussion? All in favour? Opposed? The motion carries.

We have another circumstance where we have a letter from an individual who has withdrawn. The letter reads as follows:

"This is to inform you that one item included in the February 9, 2001, memorandum has been withdrawn, and, therefore, should not be considered.

"The item is as follows:

"Ministry of Natural Resources

"Niagara Escarpment Commission

"Orville Brown."

That letter is from Peter Allen, general manager, Public Appointments Secretariat. That has been withdrawn for the purpose of the committee.

We have another person who is unable to be with us and we require unanimous consent for an extension. This is Robert Brechin, and he is out of the country at the present time. Do I need a motion on this? If I have unanimous consent, we could delay that to the next meeting of this committee.

**Mr Wood:** I would ask unanimous consent for an extension of the time period by 30 days.

**The Chair:** All in favour? Thank you kindly. That is passed.

## INTENDED APPOINTMENTS

## STEPHEN PENGELLY

Review of intended appointment, selected by the official opposition party: Stephen Pengelly, intended appointee as member, Town of Greater Napanee Police Services Board.

**The Chair:** Our first appointment this morning is Stephen Pengelly, intended appointee as member, Town of Greater Napanee Police Services Board. You may come forward, please. As you are probably aware, you are entitled to make a statement to the members of the committee, an initial statement on any subject you wish. Welcome to the committee, Mr Pengelly.

**Mr Stephen Pengelly:** Thank you, Mr Chairman. Good morning, members of the committee. I thought that by providing some opening remarks I might be able to answer some basic questions about who I am and what my community involvement has been in the past few years, including my involvement with policing.

I am a resident of the town of Greater Napanee. I live in the rural part of the municipality approximately 15 kilometres south of the town of Napanee in what used to be South Fredericksburgh township. My family and I moved to our current home last June, and prior to that I lived in what is now the west end of the city of Kingston and what used to be the township of Kingston.

I've had an interest in community policing for about 10 years, ever since the province initiated the concept and encouraged citizens to form local community policing committees to provide advice to police services.

I attended the inaugural community policing meeting hosted by the local detachment of the Ontario Provincial Police and became a member of the Kingston township community policing committee in 1992. Eventually, I became an area committee chair—in Kingston township we were divided into four areas—and eventually secretary to the township committee.

In 1994 our committee helped to organize a very successful community policing conference at the Royal Military College. As a result of the synergies created by that first conference, the Community Policing Advisory Council of Ontario was established. I was a founding member of CPAC.

In 1995, a group within CPAC felt that it was important for community policing committees to be able to confer with one another and to share best practices. The advent of the Internet provided the means to facilitate



such communications, and we set about to create a Web site which would permit community groups to engage in such communication and the sharing of ideas and success stories related to improving community policing and community safety.

We created a Web presence known as the Community Policing Information Network—CPInet is how it's known—and the response to our initiative was very positive. We incorporated CPInet as a not-for-profit organization and, in addition to providing a forum for community-to-community discussion, we were also able to host initial OPP, RCMP and Metro Toronto presences on the Internet. Each of those policing agencies eventually created and moved to their own sites.

In 1996 I travelled to Washington with one of the other CPInet founders to make a presentation to the FBI and the US Department of Justice on the nature of our initiative and the successes to date. At that time, the FBI was searching for a means to interact with local communities and was very interested in the work which we had done in this province. The Department of Justice was similarly interested in community policing initiatives and was also quite interested in our work. Both organizations expressed their gratitude for the experience, advice and assistance we were able to provide them.

In 1996 I was approached to become a member of the Kingston Police Services Board. I agreed and was appointed in June of that year. I was elected chair of the board in November 1996 and served in that capacity until May 1997, when I resigned from the board due to a change in employment which required me to be out of the city of Kingston five days a week and thereby prevented me from attending and chairing meetings.

I became aware of the vacancy on the Greater Napanee board by reading an advertisement in the local paper inviting interested persons to submit an application to the Ministry of the Solicitor General. I submitted an application because I have a continuing interest in policing issues generally and community-based policing in particular, and I had hoped my experiences in those areas might be helpful as the new board is formed and begins to discover its role.

I am a member in good standing of the Law Society of Upper Canada. I remain a founding member of the Community Policing Advisory Council of Ontario and I act as its legal adviser from time to time. I am a former member of the governing board of St Mary's of the Lake Hospital in Kingston, which is now known as Providence Continuing Care Centre. I am president of the Kingston chapter of the Kidney Foundation of Canada and I'm a member of the board of directors of the Eastern Ontario branch of the Kidney Foundation. I am a member of the board of directors of the Ontario Safety League and a member of the executive committee of that organization as well.

I continue to act as the voluntary president of CPInet and, although I've not listed it in my written comments here, I am also a former school council chair and acted in that capacity for about three years, and co-chaired for a

year as well in the local school area in the city of Kingston. I worked on a committee with what was then the Frontenac county board in developing its school council policy back in 1996, I believe.

I'd be pleased to attempt to answer any questions you have for me.

**The Chair:** Thank you very much, Mr Pengelly, and we'll begin with the official opposition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Good morning, Mr Pengelly. I'm curious, with the address on your letterhead as RR1, Bath, Ontario, that you would be a resident of the town of Greater Napanee.

**Mr Pengelly:** I have a Bath address and an Adolphus-town phone number and I pay my taxes to the town of Greater Napanee.

**Mrs Dombrowsky:** It's one of those curious areas in my riding, but a beautiful part of it, to be sure.

**Mr Pengelly:** Just for geographical purposes, I'm about 4 kilometres west of the power plant on Highway 33.

**Mrs Dombrowsky:** OK. I drove by it yesterday. Very good.

Your name is familiar to me. Was it a few months ago that I read you were employed by the Kingston General Hospital?

**Mr Pengelly:** I was doing some work for the Kingston General Hospital as a consultant.

**Mrs Dombrowsky:** As a consultant.

**Mr Pengelly:** I was doing some advocacy on their behalf.

**Mrs Dombrowsky:** Advocacy to?

**Mr Pengelly:** To the province, to the Ministry of Health, in particular.

**Mrs Dombrowsky:** I think the paper said you were a lobbyist.

**Mr Pengelly:** I think that's what they said, yes.

**Mrs Dombrowsky:** So you're that person.

**Mr Pengelly:** I am that person, yes.

**Mrs Dombrowsky:** OK. The name was familiar and now I know why.

With regard to an appointment to the police services board, you do have significant experience with municipal police services boards. Are you familiar with the significant differences serving in a community where the services are provided by the Ontario Provincial Police?

**Mr Pengelly:** I am familiar with some of the distinctions. Perhaps the largest is that there's no budgeting responsibility, and the two parties to the contract which exists are the municipality and the police service—the OPP in this case.

**Mrs Dombrowsky:** Certainly I have heard at this committee and also within my riding that an issue for municipalities, from time to time, has been their lack of direct input to some of the administrative personnel who manage police issues within a municipality. Are you familiar with those sorts of challenges that municipalities now deal with when they engage the services of the Ontario Provincial Police?



**Mr Pengelly:** Clearly, in a situation such as the Greater Napanee Police Services Board, the board will have to work closely with the municipality, because one of the responsibilities the board has, as I understand it, is to participate in the selection of the senior administrator, I guess, for the local detachment, who is the detachment commander. As I also understand, there is a municipal representative on the board, or will be—perhaps the mayor, if the mayor decides to fulfill that role—and another citizen appointment. So there are three members of the board. Clearly it will be perhaps not a challenge but a responsibility of the board to develop an appropriate method of liaising with the municipal council to ensure the council's view is also represented in the board's work and in providing oversight and some policy direction to the local detachment of the OPP.

**Mrs Dombrowsky:** Are you aware of the challenges rural municipalities have, now that they are fully responsible for the cost of policing within their municipality—the challenges that has presented? Just this week, I had a meeting with municipal representatives who very effectively shared with me their concern and their question about their ability to continue to offer the same level of police service at an affordable price.

**Mr Pengelly:** I am certainly aware of the issue. In a former capacity, I was very familiar with that issue. It's an ongoing issue. I guess one of the things a police services board has to do is ensure there is adequate and effective policing notwithstanding the financial challenges the municipality has to face. That's not to say those challenges should be ignored; they shouldn't. Obviously a municipality's capacity to pay for a contract is very important, but I think the board's focus needs to be on ensuring that public safety is maintained and that the work of the service is at a level that provides what is required by law, which is adequate protective policing.

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**Mrs Dombrowsky:** Are you a member of a political party?

**Mr Pengelly:** I don't think I'm a card-carrying member at the moment, but I've certainly been associated with the Progressive Conservative party of Ontario for many years—I think since I was about 16.

**Mrs Dombrowsky:** That concludes my questions.

**The Chair:** We will go to Mr Martin of the third party.

**Mr Tony Martin (Sault Ste Marie):** Just to follow up on the last question, you've had quite an interesting, I would think, and long history of involvement with the Progressive Conservative party, particularly in government. It says on your resume that you were the executive assistant to the finance minister and Deputy Premier for a time.

**Mr Pengelly:** That's correct. For about two and a half years. Prior to that, in another lifetime, I was legislative assistant to Premier Davis.

**Mr Martin:** You've served on the school board, and you've been on the police services board in Kingston. Given the array of possibilities to serve out there, and

given your political connections, why would you pick being part of this particular organization at this point in time?

**Mr Pengelly:** For me that's a simple question to answer. I live in the community, and I have an obligation as a citizen of the community to put back into the community what I can. Secondly, I have a long-standing interest in policing issues. So it was a pretty simple thing for me. I opened up the Napanee Beaver one day and there was an advertisement and it said where to apply, so I applied.

I guess another factor was that I really enjoyed the time I spent on the city of Kingston Police Services Board but didn't really get a chance to finish in that role, in that I had to take my leave because of my changed employment circumstances.

**Mr Martin:** I note in your resume that you are president of CPI net Inc and also legal adviser to the community policing advisory council.

**Mr Pengelly:** If I could just expand on that, what that usually involves is that when they have a proposed change in their bylaws, they send it to me and ask me to comment on it. That's perhaps the extent that—

**Mr Martin:** The legal adviser one, you mean?

**Mr Pengelly:** Yes.

**Mr Martin:** OK. But you have CPI net in employment history. Does that mean it's—

**Mr Pengelly:** No, it was always a voluntary role.

**Mr Martin:** And it still is?

**Mr Pengelly:** Yes, it is.

**Mr Martin:** Do either of them present any kind of conflict of interest for you?

**Mr Pengelly:** I don't think so. CPI net operates on its own now. It continues to provide a forum for discussion. It's being used by other public safety and public service oriented organizations at the moment. I couldn't imagine that it would provide a conflict. If it did, obviously I have an obligation as a solicitor to declare any conflicts and not participate in situations where—

**Mr Martin:** Given your professional capacity, are there any other circumstances where you might find yourself in conflict—people you might represent?

**Mr Pengelly:** I've never done any criminal law, and it would be inappropriate and probably unlawful to participate in this kind of activity if one were a practising criminal lawyer. I've also never been a crown, so I've had nothing to do with criminal law. I can't imagine, doing primarily public advocacy, wills and estates and a little bit of corporate work, that I'd get into a conflict situation. Again, if I did, I'd have an obligation to declare it and step away from it.

**Mr Martin:** You don't have any involvement with clients who would have, say, proprietary interest in hotels or bars or casinos or any of that kind of thing?

**Mr Pengelly:** Not that I'm aware of, no.

**Mr Martin:** OK. Certainly, the whole area of policing is not without some challenge these days out there.

**Mr Pengelly:** Absolutely.



**Mr Martin:** One of the challenges that's being dealt with at the moment is the whole question of accountability. You have the police services board, but you also have organizations like the SIU that have to come in. In both instances, there seem to be, from time to time, some quite heated differences of opinion on various subjects between the policing associations and those bodies charged with accountability. What's your view on where all that's going, and where do you think it should end up?

**Mr Pengelly:** Personally, I believe that an SIU function is probably appropriate. There should be some oversight of the operational aspects of policing as well as the policy aspects. As I understand the roles of police services boards, their focus is on policy direction and, in the case of municipal police services boards, budgeting to ensure that there's adequate and effective police services. But as far as operations are concerned, a police services board, probably appropriately, should have very little role in the ongoing operation of police activities. As a consequence, if there is to be public accountability, there needs to be some other agency, and the SIU at the moment is that agency.

**Mr Martin:** Were you aware of some of the goings-on in the Toronto area not so long ago under the rubric of the True Blue campaign by the police association, where fundraising was being done in a way that was interpreted by some as lending to the possibility of intimidation or perhaps some influence giving-out or whatever?

**Mr Pengelly:** I'm certainly aware of those activities. I read about them in the newspaper, but beyond that, I don't live in Toronto, so what happens in Toronto is not that significant to me. I apologize to those of you here who represent Toronto.

**Mr Morley Kells (Etobicoke-Lakeshore):** We're used to it.

**Mr Martin:** If a police association becomes involved, for example, in trying to exert influence where local elections are concerned, supporting candidates who are police-friendly versus candidates who are not seen to be, and that was to flow over into other areas of this province, including the one that you're going to be on the police services board for, what would your position be on that?

**Mr Pengelly:** I guess I'd have to wait and see whether or not that happened. I'm not a municipal councillor and I have no plans to become a municipal councillor. It would seem to me that if there was that kind of activity, it would be focused on those sorts of representatives. I'm interested in participating in the community as a member of the police services board. I would not be elected. The members are not elected to that position, they're appointed. From my standpoint, personally, it would be significant, it would be important, but in terms of whether or not, and how, I get my job as a member of the police services board, I don't think it would have any impact at all, unless there was something that was illegal or grossly inappropriate that was happening.

**Mr Martin:** We had an appointee by the government before us who was successful in his appointment, Al Leach, who, when asked the question whether an

association should be involved in that kind of behaviour or activity, suggested that it was just like any other union and what they do outside their workaday world in terms of involvement in political matters was OK by him. Would that be your position?

**Mr Pengelly:** I might differ somewhat. I think a police service is quite different from a construction union. It provides an essential service to the community and, as a consequence, the police service and the members of the police service have different responsibilities to the community. So I would personally perhaps differ from what you described as Mr Leach's views.

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**Mr Martin:** Just one other question, if I might. There's been a new adequacy and effectiveness standards regulation introduced by this government. It went into effect on January 1 and will have some bearing on the work of associations such as the one you're a candidate to join here today. Are you familiar with these standards and, if so, do you have any comment on them?

**Mr Pengelly:** I'm familiar with them generally. I've had a look at the legislation and regulations and new requirements under, I think it was, reg 399. The challenge, I expect, will be the challenge of putting together all of the documents that are required under the new regulations. Perhaps that's an area where I can be of some assistance.

Two of the things that have to be developed by police services boards under the new regulations in a rural setting and an OPP contract setting are policies, and there's a second item which is escaping me at the moment. But my drafting capacity might be of some use in preparing the documentation. It's the business plan. I've done business plans and I've written policy before, so I might be able to be of some assistance in that regard. But those are certainly going to be challenges for every police services board, determining their role and determining what appropriate policies will be.

**The Chair:** The government party now.

**Mr Wood:** We will waive our time.

**The Chair:** The government party has selected to waive its time, so this concludes the interviewing. Thank you very much, Mr Pengelly, for appearing before the committee.

#### JACQUELYN FRASER

Review of intended appointment, selected by the official opposition party: Jacquelyn Fraser, intended appointee as member, Environmental Review Tribunal.

**The Chair:** The next person to be dealt with, as an intended appointee as a member of the Environmental Review Tribunal, is Jacquelyn Fraser. Ms Fraser, please come forward. As we indicated earlier, the person who is an intended appointee has an opportunity to make an initial statement if she or he wishes to do so. Subsequent to that, there will be questioning by each of the parties. In this case, we will be starting with the New Democratic Party, the third party. Welcome to the committee.



**Ms Jacquelyn Fraser:** Thank you very much. I was waiting patiently in committee room 1 and wondering when people were going to start showing up. Anyway, I'm glad I found the right room.

Good morning. My name is Jackie Fraser. I'd like to take this opportunity to tell you a little bit about my background and why I think it qualifies me for this exciting opportunity at the Environmental Review Tribunal.

I grew up on a dairy farm in Huttonville, which is a small community that is quickly being lost to the urban sprawl of Brampton as we speak. Growing up on a farm within the urban fringe really raised my awareness of environmental issues, and land use planning issues especially, which led me to go on to study resources management at the University of Guelph. Summer jobs included the Ministry of Agriculture and Food, as it was called then, the Stewardship Information Bureau and the Credit Valley Conservation Authority, where I did stream rehabilitation work on the upper Credit.

While completing my bachelor of science degree in agriculture, I became interested in pit and quarry rehabilitation and went on to do a master of science degree in land resources management. My thesis focused on the rehabilitation of Dufferin Aggregates, Milton quarry, which is located on the Niagara Escarpment just north of Milton.

After graduating, I worked for ESG International, which is an environmental consulting firm based out of Guelph. At ESG, I worked on a variety of projects, ranging from pipeline routing studies to public consultation, environmental impact assessments, sub-watershed studies and pit and quarry rehabilitation projects. During this time I was appointed to the Niagara Escarpment Commission as a member at large. I really enjoyed my time as a commissioner and learned a great deal about the Niagara Escarpment Planning and Development Act, as well as the appeals process, which of course constitutes about half of the workload at the Environmental Review Tribunal.

I currently work for the Aggregate Producers' Association of Ontario, or APAO for short, as their environment and resources manager. I really enjoy this job. The aggregate is an exciting one to be part of. They've come a long way in the last 10, 20 to 30 years, with a lot of exciting environmental and rehabilitation initiatives within that industry. To give a quick example, we operate a program funded solely by tonnage fees from the producers themselves that goes to rehabilitating sites which were abandoned prior to the Aggregate Resources Act and mandatory rehabilitation. Many of you may have read about the great rehabilitation work that is going on at Dufferin Aggregates' Milton quarry. There was a big article on it in the Toronto Star last summer. They are not the only ones doing exciting and innovative rehab work.

My role at the APAO is to assist the aggregate industry in environmental issues, such as understanding and complying with environmental regulations. Along with the Ministry of Natural Resources, I monitor official plan reviews to ensure that there is "regard for" the provincial policy statement on aggregate resources manage-

ment. I also organize workshops on environmental issues, pit and quarry rehabilitation and community relations.

Through this job, as well as through my past consulting experience, I have become very familiar with the full range of environmental legislation in Ontario, from certificates of approval under the Environmental Protection Act to permits to take water under the Ontario Water Resources Act, the Environmental Bill of Rights, and the Environmental Assessment Act.

On a personal note, I volunteer on the Canada Trust Friends of the Environment Foundation as well as the Ontario 4-H Foundation. Being a good farmer's daughter, I was an avid 4-H participant in my youth. Before leaving the Niagara Escarpment Commission, I was selected to serve on Ted McMeekin's environmental advisory committee as an adviser on Niagara Escarpment issues. We just had our first meeting last night. I recently left the Ontario Trails Council and I'm about to join the Bruce Trail Association.

In summary, my academic background, employment experience, and experience on the Niagara Escarpment Commission have provided me with the skills and knowledge required as a member of the Environmental Review Tribunal. I think I'm qualified for this appointment and I am very excited about embarking on this new challenge. Thank you very much. I look forward to any questions.

**The Vice-Chair (Mr Bruce Crozier):** Thank you, Ms Fraser. We're now open for questions.

**Mr Martin:** You were appointed to the Niagara Escarpment Commission in 1998? Is that when you served?

**Ms Fraser:** In 1997. Three years ago, anyway.

**Mr Martin:** Yes, 1998 to 2000. You're leaving that now to take on this position. Any reason why?

**Ms Fraser:** It's definitely a promotion, I guess, a jump ahead. My three-year term was up and I wasn't re-appointed; I was appointed to this position instead. I think it's a new opportunity and it's going to be an interesting experience.

**Mr Martin:** Why weren't you reappointed?

**Ms Fraser:** That's a good question. I don't know whether it was moving me forward or what the exact reason was. That wasn't made known to me.

**Mr Martin:** The tribunal you're going to be appointed to, in my understanding, will be a court of next recourse if there are differences of opinion re a decision that's made at, for example, the Niagara Escarpment Commission level. If a group or an applicant disagrees with the decision, they will take it there and you will get to be the final arbiter on those things.

Are you aware of the group called the Coalition on the Niagara Escarpment, CONE?

**Ms Fraser:** Yes.

**Mr Martin:** And its grading of yourself in terms of its report card?

**Ms Fraser:** Yes.

**Mr Martin:** Why would they not see you as somebody supportive of some of what they see as the healthy development of that escarpment?



**Ms Fraser:** Just for the whole committee to understand, the Coalition on the Niagara Escarpment is an umbrella organization, sort of a watchdog group over the commission. They put together a report card, I believe it was maybe a year ago. They took 10 issues that there had been a recorded vote on and you got a check mark if you voted in favour of staff or an X if you voted against staff. Then they tallied it up and you got a mark out of 10. My mark was out of eight because I was absent for two of the issues. I had voted against staff on three different issues so that came out a C. I believe I got a C+. They gave me the plus, so they must have liked me a little bit.

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There is a reason why there are 17 members sitting around a table voting. There are things that the act doesn't always anticipate happening. One of the examples that jumps out at me is, there was a maple syrup production facility and it wasn't strictly listed in the act as agriculture. But, quite frankly, it's agriculture as far as I'm concerned and as far as the impact on the environment is concerned. So it was one of those things that didn't fit the cookie-cutter mould and that's when you need a 17-member commission to make decision like that. Having said that, the 17-member commission isn't there to create policies on the fly, but there are certain situations that don't always fit the mould.

Also, to go back to that report card, eight commissioners received Fs because they always voted against staff. I believe there were seven who got As because they always voted in favour of staff and there were only two of us who got neither A nor F. I was actually quite proud that the two of us were the ones making decisions at the commission.

**Mr Martin:** In your resumé it says that you worked for the Aggregate Producers' Association of Ontario.

**Ms Fraser:** Yes. I still work there. That's my job right now.

**Mr Martin:** Will that create conflict for you?

**Ms Fraser:** Yes, certainly when cases come up that involve any of the members or even non-members, any aggregate producer, I would not deal with those cases.

**Mr Martin:** How much of the work of the Niagara Escarpment Commission is in the area of dealing with people who want to develop quarries?

**Ms Fraser:** It's interesting, because when I joined the commission I was working for an environmental consulting firm and I had to declare conflict of interest more often then than I did when I moved to the Aggregate Producers' Association of Ontario. There has been a recent flush of them but, on average, maybe once every two meetings I was declaring a conflict. It was not a large proportion of the workload by any means.

**Mr Martin:** Your political affiliation?

**Ms Fraser:** None at all.

**Mr Martin:** You had mentioned that you weren't reappointed but this opportunity was presented. How was it presented to you? How did you find out about this?

**Ms Fraser:** I was appointed to the Niagara Escarpment Commission by Ted Chudleigh and with that

connection—he was an old baseball coach of mine when I was a kid. I knew my appointment was coming up and so I contacted him about whether I was going to be reappointed. He was the one who told me no but he had this other, better opportunity for me. So I was quite excited about that.

**The Vice-Chair:** We'll move on to the government caucus.

**Mr Wood:** We'll waive our time.

**The Vice-Chair:** Then to the official opposition.

**Mr James J. Bradley (St Catharines):** I've left the chair, as members would know, for a reason. I'm the environment critic of the official opposition so I'll have questions in that capacity. The Chair will continue to be as objective as he always is.

I must first of all express a concern that by working for the Aggregate Producers' Association of Ontario there cannot be impartiality. I know you've said that you are going to declare a conflict and not vote on and not take part in this, but to have a person from the aggregate producers' association on an environmental tribunal boggles my mind, to be sure.

Would you understand why environmentalists would be concerned that you are appointed to a position where you will be making decisions that affect the environment in this province and that those decisions will have not short-term implications but long-term implications?

**Ms Fraser:** I can certainly understand the perception, and perception is reality when it gets out there. However, I'm the environment and resources manager for the APAO and my job is strictly in the environmental area. I think it's one of those things where on the surface an environmentalist might think, "Oh, my God, pits and quarries. Aggregate producers, they're rapists and pillagers of the environment." But that clearly is not the case. It's something that is an interim land use. It's a clean process. It's a necessary commodity in society and I think the industry has really come a long way in improving their environmental outlook.

**Mr Bradley:** However, when you work for an employer of that kind, because I've had experience with this a number of years ago, your job, in essence, is to do the work of the employer. You represent the position of the employer in this particular case. The concern would be that permeating the decisions made by the environmental tribunal, we're going to see a pro-development—I won't say "anti-environment," as that would be unfair to say. But the concern would be expressed that we'll see a pro-development bias, keeping in mind that once the decision is made, it's made forever in many cases. Would you comment on that?

**Ms Fraser:** I guess I don't see myself in that way. I don't see that there would be a pro-development bias with regard to my decisions. I don't see that.

**Mr Bradley:** You also had a position—and you might wish to speak about this a bit—where you were a resource technician with ESG International, formerly known as Ecological Services for Planning. One of the situations you were involved in was the pre-construction



soil monitoring for a Union Gas pipeline project. It appears as though you've been a consultant for business throughout and that's been the primary focus of your career to this point. Would that be a fair characterization?

**Ms Fraser:** At ESG, in fact, I worked both for private industry as well as municipal governments. Things like watershed studies and whatnot were done for municipal governments and conservation authorities, and things like environmental impact assessments and pipeline routing studies, of course, for private interests.

**Mr Bradley:** When you were on the Niagara Escarpment Commission, there were two points of view for people on the Niagara Escarpment Commission. One is that on a situation-by-situation basis you simply make those decisions, which again have long-term implications, or you believe in the implementation of the plan. Where would you place yourself when you were on the commission?

**Ms Fraser:** I believe in implementation of the plan. Certainly at the Environmental Review Tribunal that would be my job as well, to uphold those various acts that I'd be dealing with. However, having said that, and further to the earlier question about the C+ mark, certainly there are outstanding situations. Those situations where I was seen as voting against staff and maybe perceived as voting against the plan were those rare situations where something doesn't fit the cookie-cutter mould and you have to think in terms of impact, what kind of impact is this going to have. Something like a maple sugar bush, quite frankly, is not a concern to me. With things like that, sometimes you have to use your head and there's a reason why we have humans doing things like that.

**Mr Bradley:** The reason I look at these kinds of tribunals, again I go back to the fact that it's long-term. I look at the Niagara Peninsula—this is a bit off of that over which you would have jurisdiction, but you may have—we had beautiful farmland in the Niagara Peninsula, a wonderful rural area. It now looks like suburban Cleveland as you drive along the Queen Elizabeth Highway. Highway 8, which used to be a beautiful drive, has now got subdivisions and development all over the place. It's something that was unique and you can't replace. You can't tear up those subdivisions and now have that farmland exist. It's been allowed to happen, and it's been allowed to happen for a number of years, not for just the last six years. I worry about the same thing on the escarpment. Could you tell me how you voted on the Vineland Estates proposal?

**Ms Fraser:** That was my second meeting as a commissioner and I voted in favour of it. I need to qualify that a bit. I voted in favour of it because I thought it was good for agriculture, it was a good promotion of the winery industry down there, which I think is doing a fabulous job and I'm very excited about where that has gone. Just as an aside, had I not got this job at the APAO, I was going to go back and do a Ph.D. degree on agricultural land preservation, so you've certainly hit my passion there. Looking back—I'm going to be very

honest and frank—I would have changed my vote, because knowing now what I didn't know at my second commission meeting, the precedent that may have set, I would have changed my vote. I'll be honest on that one.

**Mr Bradley:** The government overruled the commission on that and I agree with the government decision and have said so publicly. The government similarly overruled a subdivision in the same municipality that was going to be permitted. I agree with that decision by the government. I commend Mr Sterling as a member of cabinet for likely having a say in that.

Ms Dombrowsky, I think, wants to ask a question or two, so I'd better yield the floor to Ms Dombrowsky.

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**Mrs Dombrowsky:** I only have one. I could not help but note in your remarks and your comments that you have indicated that when you consider a particular issue or situation, you consider the impact that it will have. It would be important for me to understand the impact on the economy. Is that the impact you're considering or the impact on the environment? I've got to think that perhaps if your considerations reflected consideration of the environment, you might have rated better than a C+.

**Ms Fraser:** Yes, impact on the environment, definitely. The Niagara Escarpment Planning and Development Act is an environmental act, as well as all the acts that I would be looking after at the Environmental Review Tribunal. Again, the C+, that report card, it was an interesting way it was done, and the Vineland vote was one of the three that were against; another was the maple sugar bush and another was a farmer who had two roads criss-crossing his farm so he couldn't get a farm retirement lot because those were considered prior severances. I'm not a big fan of farm retirement lots or any severances, but I felt he was in a bad situation where he had two roads go through his farm and suddenly he wasn't allowed to have a farm retirement lot like his neighbours could have. Those were the three situations. I talked about the first two enough; I think that third one, the farm retirement lot, I would give my reasons for that as well.

**Mrs Dombrowsky:** I have to say, though, I do share the concern of my colleague in that your employment is with an industry. It certainly is in the better interest of your employer to look very openly, with maybe even more than an open mind, on development proposals that will ensure the continued viability of aggregates and quarries. I'm not personally opposed to aggregates and quarries, but as my colleague has indicated, the Niagara Escarpment is certainly a unique feature in our province. I've taken the drive that he's talked about and I'm very saddened to see the kind of development that has unfolded there. I'm certain that it has had, some would say, a very positive impact on the economy, but I don't know that we could say the same thing about the impact on the environment. Once it's lost, it's lost forever.

I appreciate the remarks you've offered today to the committee and thank you very much for that clarification.

**Mr Bradley:** Is there any time left?



**The Vice-Chair:** You have approximately a minute.

**Mr Bradley:** There is an obsession—my good friend Bob Wood, the member for London South—it used to be called, but it's now got a different—

**Mr Wood:** West.

**Mr Bradley:** London West now—when he was on the infamous, as I call it—he would say “famous”—Red Tape Commission, they had an obsession with timelines; that is, if you don't get this decision by this time and if this isn't done by this time, the world will come to an end for business. I want to say to Mr Wood I understand that concern. However, do you feel it would be better to take longer to make a decision and perhaps violate those guidelines than it would be to simply rush through a decision in order that you can meet those guidelines that are important to Mr Wood and some of his colleagues on the Red Tape Commission?

**Ms Fraser:** I'm trying to remember my reading of how long I'm given to make a decision at the tribunal. I believe it's a month—I believe it's 60 days or something along those lines. I guess all my life I've been pretty used to meeting much tighter deadlines than that and I would hope that within a month I could make a decision. Of course, if it's some sort of situation that I can't, I don't even know what kind of leeway I would have in that scenario. The most important thing at the end of the day is to have made the right decision, quite clearly, but I would hope I could do that within 60 days.

**The Vice-Chair:** Thank you, Ms Fraser. We appreciate your attendance today.

#### LORRAINE BORTOLUSSI

Review of intended appointment, selected by official opposition party: Lorraine Bortolussi, intended appointee as vice-chair, Workplace Safety and Insurance Board Appeals Tribunal.

**The Vice-Chair:** That leads us to move on to the next selection, which is Lorraine Bortolussi.

*Interjection.*

**Mr Wood:** Mr Chair, we could deal with a couple of concurrences, if desired, while we're waiting.

**The Chair:** I see the intended appointee here. The next person is, as mentioned, an intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal, Lorraine A. Bortolussi. You may come forward. As you may be aware, you have an opportunity to make an initial statement to the committee on any subject you wish, and then we will commence the questioning subsequent to that with the government members and go on rotation. Welcome to the committee.

**Ms Lorraine Bortolussi:** Good morning, Mr Chair, members of the committee. I'm pleased to be here as an intended appointee to the Workplace Safety and Insurance Appeals Tribunal.

I recognize the very important work that the tribunal does in dealing with appeals by both employees and employers from final decisions of the Workplace Safety and Insurance Board. I understand that the basic premise

of this scheme is to provide a no-fault insurance system for work-related injuries and diseases that is funded by employers' premiums.

I was born and raised in Sault Ste Marie. I attended the University of Western Ontario and was registered in the honours English program there. I was accepted to law school after two years of undergraduate studies and attended at University of Ottawa for my bachelor of laws. I completed my bachelor of arts degree by taking summer courses at Algoma University in Sault Ste Marie. I therefore obtained both degrees in 1982. I make this point because at my interview with the chair of the Workplace Safety and Insurance Appeals Tribunal I was asked by Mr Strachan whether that was a typographical error. I assured him that it was not.

I have been in private practice for 17 years. In the last eight or nine years I have restricted my practice to family law. My practice is largely a Supreme Court practice. My office is located such that I am almost equidistant from the Newmarket, Toronto and Brampton courts where I practise, although most of my work is in Newmarket and Toronto. I practise in association with two other lawyers, who also practise only family law.

My work days consist mainly of advising people of their rights and obligations on the numerous issues which arise on the breakdown of their relationships and then attempting to resolve these issues by way of agreement or by preparing their case and presenting it to a court for determination. I take my role as an adviser, a mediator and an advocate very seriously because I understand that my professional advice and representation in these cases affects my clients' lives so totally and in a way which touches everything that is important to them, and usually everything they've worked for and believed in to that point in their lives. My objectivity and my integrity in providing counsel to them can never be compromised.

In this area of practice, that is, family law, I deal regularly with approximately 18 different statutes and at least four different sets of rules of procedure and their corresponding forms. I believe in keeping current and competent, and attend approximately 10 full-day continuing legal education courses each year, including our biennial national family law conference. I am currently enrolled in the mediation workshop at the Harvard Law School in Cambridge, Massachusetts, for the week of June 11 to 15 this year.

My five years of adjudicative experience on the Licence Appeal Tribunal has been very rewarding. As a member of the tribunal, I have received training and experience as a member sitting alone and as a member of a tripartite panel. I have adjudicated appeals under the Highway Traffic Act of administrative licence suspensions, motor vehicle inspection station licences, mechanics' licences, suspension of personal drivers' licences for medical or other reasons, and suspension or sanction of commercial operators such as big transport truck carriers.

I wrote the first decision under the administrative licence suspension legislation in December 1996. The



appellant in that case won his appeal and got the suspension lifted. This decision, I believe, led to amendments to the legislation.

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In the latter part of my tenure on the Licence Appeal Tribunal, I was assigned mainly to the long transport truck carrier cases. These hearings usually took between five and nine days each and were usually presented to the board on appeal by very experienced and competent counsel for both the appellants and the ministry. For most of these hearings I sat as the presiding member, meaning that when assigned I would chair the hearing and write the decision.

Throughout my adult life, I have always been involved in my community and have volunteered my time and skills to various boards and organizations, usually for those underprivileged and in need of support. My service on this tribunal as a part-time vice-chair would allow me to continue to serve the people of Ontario by applying my legal skills and training and my adjudicative experience in a productive and concrete way.

**The Chair:** Thank you very much for the initial statement. We begin with the government members.

**Mr Joseph Spina (Brampton Centre):** Thank you, Ms Bortolussi, for appearing before the committee. We know you have some excellent credentials that will bring your expertise to a very professional approach in dealing with cases before this tribunal.

**Ms Bortolussi:** Thank you, Mr Spina.

**Mr Wood:** We'll waive the balance of our time.

**Mrs Dombrowsky:** Good morning, Ms Bortolussi, and thank you for coming this morning.

I'm sure in your research that you did prior to considering a role with the tribunal you understood the significant workload attached to it. By the way, I'm most impressed that you spend a significant amount of your time with continuing education courses in your profession.

This is a part-time role and what I would like to understand from you is, are you prepared, are you aware of the significant commitment that this will be and that it might mean that you may not be able to continue some of those other activities and pursuits because of the significant workload? We are talking about several thousands of cases that are on the docket and must be dealt with.

**Ms Bortolussi:** I am aware of the caseload and one of the reasons this position appeals to me is that because of the length of the hearings on the Licence Appeal Tribunal, which were days in a row, that was becoming much too significant to carry on my practice and take five to nine days in a row away from the practice and then write the decision. I understand these hearings are shorter, and I can accommodate that quite easily. My intake in my personal practice is really up to me and I do have two associates who work closely with me, so I can balance all of that quite easily.

**Mrs Dombrowsky:** I'm sure you have been given the chart of the pattern that seems to be evolving in terms of the numbers of cases that come to this tribunal for

adjudication. Perhaps a descriptor that I would use is that they have increased exponentially. So the number that you are considering at this time in terms of caseload, several thousand, could significantly increase. That is something you are prepared to address and commit to?

**Ms Bortolussi:** I am prepared to commit to the estimate of the number of hearings that I would be expected to take on in a month, and they wouldn't be a thousand at a time, so I think over time I can make a significant contribution and get the decisions out quite expeditiously after I hear them.

**Mrs Dombrowsky:** Of course all of this could be moot if the proposed changes occur and there is one supertribunal. But maybe one of the other members here might pursue that.

**Mr Bruce Crozier (Essex):** Good morning. We appreciate your appearing here today, and not so much as I reviewed your qualifications and experience but more to the point of the tribunal and its role.

It's just been mentioned that there is some review of the future of this particular tribunal in that it may be rolled into what's referred to as a supertribunal, one that would take on the responsibilities of the Ontario Labour Relations Board, the Pay Equity Hearings Tribunal, the Education Relations Commission and the College Relations Commission. I'd like your opinion as to the expertise that may be required in each of these individual tribunals, compared to what might be encountered if you were a member of a supertribunal, one that had to handle all these issues.

**Ms Bortolussi:** I don't think I can answer that. I understand that supertribunal is being looked at. I'm prepared to take on what is being spoken about today, but I don't think that's within the ambit of my knowledge.

**Mr Crozier:** Perhaps I can ask it a different way. Do you bring something in your experience and your understanding of workplace safety issues to this tribunal that would uniquely qualify you to be appointed to this tribunal?

**Ms Bortolussi:** Probably the best I have to offer is my legal training, my adjudicative experience, but I am also, I think, a very objective person on these issues because I have no really strong views for either employer or employee. So I'd bring that objectivity as a vice-chair.

**Mr Crozier:** Just one further question. As I say, I would have liked to have pursued the supertribunal, but I understand your reluctance to do that.

Perhaps we can generalize this, but when an appeal gets to a tribunal, prior to that, one would presume that the particular circumstance has been given every consideration by perhaps an individual to begin with when a claim comes in, right up to having been reviewed by maybe committees within the bureaucracy itself. So all these decisions have been made, all the evidence has been reviewed, probably several times over, and then it comes to the tribunal. One might normally think, what's the point? It's been looked at. Presumably a negative opinion has been given all the way up. What happens at the tribunal level? What is it that would trigger you to



say, "Maybe this hasn't been given its consideration"? Or is this just something you kind of feel within, once you review all the evidence?

**Ms Bortolussi:** No, any decision that would be made would be based on the evidence. I'm not completely familiar with the legislation and the rules and so on yet, but I do understand that the tribunal can request further information and consider it. It's essentially a new hearing. In my experience on the Licence Appeal Tribunal, there are some very significant things that had not been considered. That's the function of the appeal.

**The Chair:** We'll now go to the third party.

**Mr Martin:** I note, first off, by your resumé that one of the people you've referred to in terms of references is Mr Palladini. I'm assuming from that that you at least know each other or perhaps are friends. My condolences this morning if there was a relationship there of some closeness.

**Ms Bortolussi:** Thank you very much.

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**Mr Martin:** I want to note as well how pleased I always am when somebody comes forward from the town that I represent, of which I am so proud—

**Ms Bortolussi:** As am I.

**Mr Martin:** —to offer themselves in some capacity to serve the public. So thanks for doing that as well.

I also want to note that you've been quite upfront and honest with us here—and this doesn't always happen, so it's fairly significant—in terms of your obvious political affiliation. It's in here. We don't have to ask you about it; we know about it. That is, to me, an indication of some integrity in terms of your application and what it is you hope to do in this appointment if it should be approved by this committee this morning.

However, I have some real concerns about the WSIB and its impact on the lives of individuals and families across this province. It's a most significant organization. I think you probably know the history of it. It was put in place many years ago because there was a circumstance where workers injured on the job were taking companies to court. If they won, the penalties were so high that they often put those companies out of business, or workers had to put themselves into bankruptcy simply to bring the case forward. It wasn't a win-win for anybody; it was lose-lose all over the place. So at that time, the government, in its wisdom, decided that a different approach would probably be more helpful. They set up the Workers' Compensation Board, to give workers an opportunity to make appeal for assistance or for some help, and also to allow industries to deal with those very difficult circumstances in a way that saw them continue to operate and contribute to the economy of their communities.

I get the feeling these days that the pendulum has swung somewhat, by way of some of the changes that are being made to the WSIB and some of the panels that are now operating that are more favourable or sympathetic to the business side of things. There's a sense that somehow, because of decisions that were made over the

years on behalf of workers who were injured, business was being affected in a most negative way. What's your view of all that, having looked at this probably because of your work with families and family law and understanding how the issue of income is so central to any help that families might have?

**Ms Bortolussi:** I am very sensitive to the human element. I'm not sure that I'm familiar with the decisions you're talking about, but I can assure you that any decision I would consider on such an appeal would be based on the evidence presented.

I understand that actually something unique to this tribunal is that if the evidence is equal on both sides, for the employer and the employee, the worker is favoured. So hopefully the decision would go in favour of the worker if that happens to be the case. But it would be a matter of looking at the facts and applying the law, because under statute, we have very limited authority. It's really not a policy-making decision.

**Mr Martin:** I'm assuming that you would understand, as I left off in my question, given your background in family law and working to help families have justice done, that the issue of income is huge.

**Ms Bortolussi:** It is huge.

**Mr Martin:** Where injured workers are concerned, there is a high degree of poverty that results because a person can't go back to work, can't participate in the workplace in the same fulsome way they've done before, and the opportunity for retraining and getting in at some other level, given sometimes the age of the worker, is an issue here. Is that something you think should or would or could influence you or be part of some of the decision-making you will make in this role?

**Ms Bortolussi:** The person bringing the appeal would have to fit the criteria under the act to ensure that the injury or disease was related to the employment and so on.

**Mr Martin:** You've been asked already about the long waiting list and how we deal with that, I believe. Some of those long waiting lists are there because people who have been injured and have not had just redress continue to appeal. They're just not going away. They can't. They have families to support and lives to live.

In my office, one of the biggest caseloads we have is working with injured workers who want us to intervene on their behalf to see if we can get a different response. I would guess that a big chunk of the caseload of the community legal clinics around the province is working with appeals of Workplace Safety and Insurance Board decisions, not to speak of the Office of the Worker Adviser and some of the injured workers' groups out there that advocate. It's becoming quite the industry, to be honest with you. I certainly have a perspective on that. What would yours be?

**Ms Bortolussi:** I think you're going to be disappointed, because I don't know why that is. But I do know that the appeal to the Workplace Safety and Insurance Appeals Tribunal is final. I have been told there is a target and a schedule as to how the backlog at



the tribunal is going to be dealt with, and that they are on schedule. So I'm looking forward to contributing to that.

If I took a step back and had to assess why there are so many, I don't know.

**Mr Martin:** Are you aware that the government introduced a code of conduct for representatives who come forward to speak on behalf of injured workers? Do you understand that in many instances the reason injured workers would turn to representatives, who might be a bit more aggressive or who might not fit the classic image of a person who would come and make an appeal, is because they can't afford lawyers and they've run out of alternatives? So they come forward with the best they can muster, and sometimes they and their representatives might not be perhaps as cultured in presenting a case. They certainly see this introduction of a code of conduct as a slap in the face, as another obstacle for them to get beyond.

Given how personal all this is to them, what would be your view, what would be your take on somebody coming before you to make a case perhaps not being as learned in the law and the ways of tribunals, trying to represent some injured worker?

**Ms Bortolussi:** I have absolutely no problem with that, because obviously there is a need to allow that. The legislation allows that. I would think the code of ethics isn't there to target someone who perhaps doesn't know the formalities or isn't as learned in the law or anything like that. I think it's to prevent real abuses, dishonesty. Frankly, lawyers have a code of ethics, but we're trained in that and we're well aware of it.

I don't think a layperson, paralegal, representative or even someone who appears in person would be denied their hearing simply because of who they are. I think the code of ethics addresses conduct which, by any standard, would not be acceptable and would impede a fair process.

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**Mr Martin:** Although you probably understand that many lay folk out there sometimes look on the art of the legal profession with some cynicism, given the representation they often see. I guess the most obvious example for me was the O.J. Simpson case. If you have the best of lawyers and they can put up a case that somehow fits within the parameters and avenues—if you can get a good lawyer, you can win any case. That's the sense that's out there, it doesn't matter what the case.

These folks coming before these tribunals without any real legal background, trying to make a case, are just doing their best to perhaps fit something into an argument that may be seen by some as inaccurate. Nevertheless it's the case they're making. Do you understand what I'm saying?

**Ms Bortolussi:** I do. I experience that in my practice where people represent themselves. I think I can honestly say that people who do represent themselves get more leeway than a lawyer would. Having that sort of experience behind me, I think I would be sensitive to that and would hope that someone appearing before me would come away with that.

**Mr Martin:** Thank you very much.

**The Vice-Chair:** Thank you for appearing before us today.

## CARMAN MYLES

Review of intended appointment, selected by official opposition party: Carman Myles, intended appointee as public-at-large member, Niagara Escarpment Commission.

**The Vice-Chair:** Next is the review of the appointment of Mr Myles. Good morning, sir. Make yourself comfortable. You've been here for a few minutes, so I take it you understand that you're allowed some opening comments if you choose, and then we'll move to questioning.

**Mr Carman Myles:** Thank you for the opportunity to be here today. I have a short introduction I would like to read to you.

I was born and raised on a farm on the Bruce Peninsula, where I currently reside with my wife and three children. I am self-employed, operating a retail business on Highway 6 in Ferndale.

As you are aware from reading my resumé, I am a licensed electrician. My work as such has taken me to many parts of Ontario and even as far away as Tumbler Ridge, British Columbia. In Tumbler Ridge I was a job foreman in charge of electrical, telephone and hydro services for a new community built to house the employees of Denison Mines and Teck Corp. This was a huge responsibility to undertake, as there were many men to supervise and my employer was located in London, Ontario. It was an experience that gained me a lot of confidence and the ability to deal with a vast, wide variety of people.

Following this, I was electrical foreman for the building of the Northern Treatment Centre in Sault Ste Marie. Next was a large addition to Maplehurst correctional facility in Milton, Ontario. As you can see, hard work and long hours are not a burden to me.

These experiences enabled me to see beyond the gates of Wiarton as a teenager and into my 30s, but I was drawn back to the peninsula to raise my family. I wanted my children to have the opportunity to live in a rural area where they could see trilliums and lady's slippers growing in our front yard. Living here has given me the opportunity to teach them to tap a maple tree and make maple syrup outside in the bush and has allowed them to experience the Outers program at our local high school. With two sons in minor hockey, I was soon elected to the minor hockey committee, where I have served for nine years, the last two as president.

As part of my municipal experience, I have served on committees of finance and personnel, property and parks, waste management, recreation, the arena board, roads, and the planning advisory committee. Serving on these committees was my responsibility as a councillor for Eastnor township and, following this, as deputy reeve of Eastnor township. I was elected chairman of the Lion's



Head and district recreation committee for two terms in succession during my time on council. During this period, this committee represented the three townships of Eastnor, Lindsay and St Edmunds and the village of Lion's Head. I served on council during the time that a new zoning bylaw was drafted and implemented for the township of Eastnor. In addition to this, I participated in the process of updating the Bruce county official plan.

To prepare for amalgamation of these four communities, it was necessary for a transition board to be formed, and I was elected to represent Eastnor township as a member of this board. The transition board's responsibility was to combine these three townships and one village into one new municipality. In the next term, I was elected the deputy mayor to represent this newly formed municipality of the northern Bruce Peninsula.

I feel my municipal experience has given me a solid base to enable me to be an asset to the Niagara Escarpment Commission. The committee I was appointed to that would best prepare me for the Niagara Escarpment Commission would be the planning and advisory committee, which I served on for a period of six years. This committee had two roles, the first being to hold public meetings for rezoning applications and making recommendations to council, the second being the committee of adjustment, which was a decision-making body for minor variances and reviewing NEC permit development applications.

My time on council has given me the insight to be open-minded in my decisions and to look at all sides of any relevant issues. I feel these qualities would be beneficial as a member of the Niagara Escarpment Commission. I realize I have only indirect knowledge of the actual workings of the commission, which would be beneficial because I have no prejudices except maintaining the escarpment in as natural a state as possible. I would like other children to experience nature as my children have, and if the NEC is not protected, this may not be possible.

Mr. Chairman and committee members, thank you for the opportunity to speak to you.

**The Vice-Chair:** Thank you, Mr Myles. For the record, I guess I should have said at the outset that you are appearing as the intended appointee as the public-at-large member for the Niagara Escarpment Commission. Now that we have that on the record, we can move to the parties, and we'll begin with the official opposition.

**Mr Bradley:** I have left the chair to ask questions again on this matter in my capacity as the environmental critic for the official opposition. I'll commence my questions as following.

Sir, you are replacing an individual who was given an A rating by the Coalition on the Niagara Escarpment. I understand that the person, Carol Reaney, who received that A, was prepared to continue to serve but was not re-appointed to the commission. What message do you think this sends to the people who want to protect the Niagara Escarpment lands, when a person who receives an A from the Coalition on the Niagara Escarpment and who

wishes to continue to serve, is not permitted to be re-appointed? What message do you think that sends?

**Mr Myles:** I was unaware of what you've just stated about her being rated an A+. I don't really have an opinion on why or what message it would send. I don't know if there is a—if she has problems at home—you said she wanted to be back on?

**Mr Bradley:** She was prepared to continue to serve on the Niagara Escarpment Commission.

**Mr Myles:** Yes, I don't have an opinion on it because I haven't talked to Carol in a couple of months.

**Mr Bradley:** Fair enough. Mr Murdoch, who is the member for the area which you represent, when he was asked by the media to comment on the fact that your predecessor in this position had received an A, said something to the effect, "I'll have to have a word with her after that." Was Mr Murdoch instrumental in your appointment?

**Mr Myles:** No. About three years ago, I guess, when I was on council, I put my name forward to be on the commission. At that time I was not selected. Then sometime last summer or last fall, Mr Murdoch was at one of our council meetings and I indicated again that I would still put my name forward if he should ever need somebody.

**Mr Bradley:** Do you think that Mr Murdoch supported your application?

**Mr Myles:** Yes.

**Mr Bradley:** Mr Murdoch did support your application, yes.

One of the issues that confronted—more Grey county than Bruce—but that confronted the area for a number of years was the number of severances which were given to people. Some people suggested severances were given willy-nilly by local municipal people. You're a person who has served municipally. Did you notice a lot of applications for severances when you were in municipal government, and were you instrumental in granting those severances?

**Mr Myles:** For new lot creation?

**Mr Bradley:** Yes, sir.

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**Mr Myles:** I can't remember any new lot creations in the municipality where I was—

**Mr Bradley:** That you were in, yes.

**Mr Myles:** I can't remember any being granted new severances. I don't remember any right now.

**Mr Bradley:** What is your general opinion of severances being granted in terms of farm lots? Someone once described it as "death by a thousand cuts" when severances are provided. We know at the local level it's Barney down the street or Judy in the next lot who you have to deal with at that time and it becomes difficult when you're on a municipal council to turn them down. What is your general opinion of applications for severances?

**Mr Myles:** You'd have to look at each case, case-by-case. It depends where it is located. You might grant some, you might not. It depends on all kinds of cir-



cumstances—if you're chopping up farms or whatever. It would be case-by-case. It's too general a question.

**Mr Bradley:** Bill Murdoch, the MPP who recommended you, or at least supports your appointment to the Niagara Escarpment Commission, introduced a bill in the Ontario Legislature that would call for the abolishing of the Niagara Escarpment Commission. Do you believe the Niagara Escarpment Commission should be abolished?

**Mr Myles:** Not really, no. I don't understand the act. I have not read the act. I haven't followed the plan a lot. If you ask me six months from now, I'd maybe have an opinion, but right now I wouldn't.

**Mr Bradley:** What I guess he is proposing, to be more definitive—and you're a person who comes from a municipal background—is that responsibility for the Niagara Escarpment be turned over to local councils. I once sat on a local council. Those are the people you go to church with, they're the people you're in the service club with, they're your next door neighbours, and when you have to make a decision, it becomes difficult. How are you going to deal with decisions when you have another business person in your area, a farmer or someone of that nature, who wants to deviate from what would normally be accepted as the Niagara Escarpment plan position? Are you not going to feel pressure from those folks who have elected you over the years or people who know you in the area to allow development to take place?

**Mr Myles:** No. I think that's why it's going to be nice if I get appointed. There are 17 members on that council instead of five. It's going to be easier to stick together on the commission. The pressure of people—the plan is there for protection; we're just there to maintain it. If we follow the plan, the act, I don't think there's going to be much problem.

**Mr Bradley:** There are people who would like to have—and I hate to use brand names—the Escarpment Hilton, the Escarpment Holiday Inn, the Escarpment Howard Johnson's. There are others who would like to have wonderful restaurants all over the escarpment. Others would like to have estate homes in the Escarpment. As you know, it's referred to as a biosphere reserve by the United Nations. When you're finished with it, it looks like a hodgepodge of development. What would your opinion be of applications for ski resorts, hotels, restaurants and, shall we say, accommodation? What would your opinion be of that?

**Mr Myles:** I would not want to prejudge any applications, but on a case-by-case basis, again, like I said earlier. But once you send the equipment in to start excavation, there's no turning back. Once development starts, there is no turning back, putting a tree back or anything. You've got to give everything very, very careful consideration.

**Mr Bradley:** I think most people would certainly agree with that, that it is forever.

**Mr Myles:** A long time.

**Mr Bradley:** It's unlikely you're going to tear down the hotel and plant trees again; not totally impossible but it's unlikely that's going to happen.

I think it's fair to say that there has been a significant body of opinion in Grey and Bruce counties that has not been favourable to the Niagara Escarpment Commission. If you ask where much of the opposition to the commission has come from, it has come from some vocal people in the area. That doesn't mean everyone, by any means, but some vocal people in the area. How are you going to wrestle with that attitude that is quite prevalent at the end of the escarpment?

**Mr Myles:** I can only speak for our own municipality but the Niagara Escarpment—I don't know the dollars but it's got to be in the millions, maybe hundreds of millions, that it brings in in tourism. What brings that in is the escarpment and its natural beauty, so there's not a lot to wrestle with there. If that's gone, like I said, it's gone forever—everything's gone.

**Mr Bradley:** We have a circumstance where the government has actually overturned some decisions because the development appeared to go too far and the consequences were great. By the way, I want to be on record as agreeing with the government overturning those, and if the government members wish to quote that anywhere, they can quote that anywhere they wish to because I'm on record as saying it. But I heard you say that you would, on an individual basis, entertain these applications for development. So is it fair to say—I don't want to mischaracterize what you've said—that you would not eliminate the possibility of a hotel development, a skiing development or an accommodation development of some kind—a culinary school, for instance—on escarpment land? Would it be fair to say that you would keep an open mind on that and not automatically reject those applications?

**Mr Myles:** I couldn't form an opinion until I've seen the application in front of me. There's three areas, I understand: core, buffer, transition. All those three areas have to be protected, some more than others, but I'd have to wait until I've seen each application.

**Mr Bradley:** The reason I ask—this is not a pejorative question, not a question to be difficult with you, but in the past there have been some people appointed who have had fights with the Niagara Escarpment Commission. Have you or any members of your family had any applications before the commission, any battles with the Niagara Escarpment Commission? It's a general question I ask.

**Mr Myles:** No. My family and myself do not own land on the Niagara Escarpment. No battles.

**Mr Bradley:** Do you have a political affiliation?

**Mr Myles:** With a provincial party at this time? No.

**Mr Bradley:** Have you ever had a political affiliation?

**Mr Myles:** Yes. Prior to changing the ridings around, 1997-98, I think.

**Mr Bradley:** And would you be Progressive Conservative?

**Mr Myles:** Yes.

**Mr Bradley:** The answer was yes?

**Mr Myles:** Yes.



**Mr Bradley:** Thank you. Not that that's a surprise; I'm not holding that against you. It's a question we routinely ask, and I can assure you that if that side over there is in opposition someday, they'll be asking that question about applicants who come before the committee.

**The Vice-Chair:** On that note, Mr Bradley, the time has expired. We'll move to the third party for questioning.

**Mr Martin:** Thank you very much. I find it interesting that on one hand you say you haven't read the act and you don't know the act, and yet in answer to some questions you seem to have some fair degree of knowledge around some of the issues that are presently out there with regard to the escarpment. Given that, perhaps you could tell me again why it is that you want to be appointed to this commission if you haven't done any background in terms of the act and how it's governed and what it is that you would be called to do as member of that commission.

**Mr Myles:** I'd like to be appointed to be a member of the commission to represent really just our municipality, the public at large of our municipality, is the way I look at it, from our area. I realize that the commission runs from Tobermory to Niagara Falls. I have a lot to learn. I am willing to learn that, and six months from now expect to know more about the southern part. I think I can contribute to the Niagara Escarpment Commission.

**Mr Martin:** What, in your view, are some of the major challenges confronting that commission right now?  
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**Mr Myles:** I don't know if I'd have an opinion on that right now because, like I said, I'm coming to this committee without prejudice, open minded. I can't think of any right now.

**Mr Martin:** So you don't know the issues that could—

**Mr Myles:** No, I do not.

**Mr Martin:** Even though there's been just a ton of ink on the issues before the commission over the last number of years and battles royal, probably, up in your area, or at least close by.

**Mr Myles:** Pardon me?

**Mr Martin:** Battles royal—

**Mr Myles:** I don't think there have been battles.

**Mr Martin:** —between various interests up in that part of Ontario. You're not aware of what the major issues are?

**Mr Myles:** No. I can't think of any major battles up in my area.

**Mr Martin:** The fact that you personally come from an involvement and ownership of a strip mall—you own a small strip mall?

**Mr Myles:** Very small. It's 62 feet long, 40 feet wide. It has three bays in it, three offices, yes.

**Mr Martin:** OK. Any sense in you that that would influence in any way your decision-making or bring you into conflict in any way with any of the issues that might come before the escarpment commission?

**Mr Myles:** No, none whatsoever.

**Mr Martin:** Your background in driving truck and operating heavy equipment, do you still have any connections at all with any of the companies you worked with there that would perhaps be looking at developing quarries or anything of that sort?

**Mr Myles:** No. That was with my cousin. That was just a job after school, the first year or two, until I moved to London.

**Mr Martin:** OK. That's all the questions I have.

**The Vice-Chair:** Thank you, Mr Myles. Thank you for attending this morning. Oh, wait a minute.

**Mr Wood:** We will waive our time, which you've already done for us. Thank you for moving ahead.

**The Vice-Chair:** But it happens so regularly, Mr Wood, I guess I prejudged. But I guess I should give you that opportunity and I'm sorry. I apologize.

**Mr Wood:** We will waive our time.

**The Vice-Chair:** OK. The government has officially waived their time. Thank you, Mr Myles.

#### WILLIAM JAMES

Review of intended appointment, selected by the official opposition: William James, intended appointee as member, Ontario Judicial Council.

**The Vice-Chair:** Next we will call the intended appointee as a member of the Ontario Judicial Council, William James, please.

**The Chair:** Good morning, sir. You will have, of course, the opportunity to make an initial statement. I know that you're a shy person and you may not want to, but you have that opportunity. We welcome you to the committee, first of all, this morning. You didn't have to go through a snowstorm or anything of that nature. That's good news. We do welcome you and if you wish to make any statement at all about anything, you get that opportunity to do so. We just subtract the time from the government, that's all.

**Mr William James:** Thank you, Chairman. It's a pleasure for me to be here.

By trade, I'm a geologist. I think that makes me a layman for this type of job. I was born in Ottawa, February 5, 1929. I attended U of T, where I got a bachelor's and master's, and a PhD in geology at McGill. I also have an honorary LLD from Queen's.

I am currently the chairman of Inmet Mining, whose head office is located in Toronto. I'm not on as many boards now but I'm still on Air Canada, Inmet Mining, Teck Corp, Templeton Growth Fund Ltd. That's about it.

Following graduation I went to Elliot Lake, where I was a geologist and a miner, just a hundred miles east of the Soo. I was there for two and a half years and then went to Kerr Addison Mines, where I was a geologist. Most of the mines closed down in Elliott Lake in about 1960. They went from about a dozen down to three or four. I was at the Lacnor mine there and also at the Rio Algom after Lacnor closed. I went to Kerr Addison, which is east of Kirkland Lake and just over toward the



Quebec border. I was there for a year doing underground mapping. I joined my father's firm, James, Buffam and Cooper in 1961 and was there until 1973, when I became president of Kerr Addison Mines Ltd, which was controlled by Noranda. Then I became executive vice-president of Noranda in charge of mining, smelting and refining at their annual meeting in 1974. I stayed there until 1982, when I went to Falconbridge as president and chief operating officer. The next year I also became chairman and CEO. I stayed there until Powis came back and bought me out there again. Fortunately I had raised the price considerably in a fight. They paid another billion and they didn't need me around after that.

For a short period of time I went back with my father, who had an office in Commerce Court North. He was 95 at the time. He was a geologist too, but he wasn't doing much consulting; he'd go down and read the newspaper. He had a fellow there who was 80 years old, Herb Cox, a great mining engineer from Queen's. Herb was going to throw in the towel, so I took over that chair and stayed there until December 14, 1990, when I became president and CEO of Denison Mines.

Denison had a pretty difficult time. They'd had considerable write-offs and considerable reclamation problems up in Elliot Lake, and those were difficult years. But we got the reclamation cleaned up and we got everything cleaned up great. In fact, they established such a good cleanup team that they're going around doing it now. They've worked up in Agoma and so on.

Then I went to Inmet. In the mining business it's easy to go into ventures that aren't all that good and don't turn out as good as they look originally. They had had some difficult times too. I went there in September 1996 as president and CEO, and I stayed there until the end of the millennium, the end of 1999. They got a new fellow to take over in 2000. Now I am chairman, but that's only a part-time job.

On the next page I've got some of the boards I was listed on. There are a lot of mining companies and financial companies too, the Bank of Commerce, and also ones in Newfoundland and so on, such as Fishery Products. I was also on the Olympic Trust.

I was on the Ontario Round Table on the Environment and Economy, Mr Chairman, I think while you were minister, and a fine minister at that. I enjoyed that very much, and I stayed on through to Ruth Grier, who took your place there for a while, and I enjoyed that very much. Obviously they had representatives from the business world as well as the NGOs. I was one of the representatives from the business world. It was good to get the people together talking—the NGOs and so on. We used to go to Ottawa doing the same thing and dealing with them. You've got to interface, you've got to talk on these things. So that was good.

I probably haven't done nearly as much public work as you fellows and maybe not as much as I should, but I've been on the board of St Mike's hospital. I was on from 1988 up to about a year and a half ago. I'm now on the foundation campaign cabinet. They're having a large

fundraising campaign, and I'm going to be very active in that. I was also on the board of the University of St Michael's College foundation for a few years. I was also on the Olympic Trust for a while. I'm a member of the Association of Professional Engineers of Ontario, the Canadian Institute of Mining and Metallurgy, the American Institute of Mining, Metallurgical and Petroleum Engineers.

**1120**

I ski every weekend up on Collingwood. There are no members from Collingwood here, I don't think, but it's a great place to ski.

That's about it. I look forward to joining this committee. I'm very interested in it. I've got an extremely high regard for the judiciary. I think they're fair, balanced and impartial, and they dispense justice. To me, the committee ensures that that high standard will be maintained. I'd be honoured to participate in that as a lay member.

I have considerable experience on governance. I don't have too much on what some call discipline; I don't know whether I do or not. But I have a fair amount on governance on these various ones, and I was not a yes-man on the various boards I was on. I usually take a fairly active role in what I think is best.

When I went up to Elliot Lake I was making \$400 a month and I was supposed to get \$500. I had a couple of kids then, and another born in Elliot Lake. I took a drill and went underground, because I wanted to make a little more money and, gosh, I was making \$1,000 with a drill. Then I became a shift boss. I've worked through all levels of people and all strata and I get along fine with them. I get along great with the unions. I get along with all those members up in Sudbury, and they're great friends of mine, personally—Elie and Rodriguez and so on. We get along all right.

I will be glad to try to answer any of your questions. I look forward to this. It would be a challenge.

**The Chair:** Thank you very much for your initial remarks. I don't know whether anybody would dare ask any questions. We're going to start with the third party, and that will be Mr Martin from Sault Ste Marie.

**Mr Martin:** I appreciate your coming today.

**Mr James:** It's an honour.

**Mr Martin:** I recognize that Elliot Lake is not far from Sault Ste Marie; I lived in Elliot Lake for about six years, from 1975 to 1981, the second coming of all the activity and growth. Certainly your name—they remember you up there.

**Mr James:** I hope favourably.

**Mr Martin:** Yes. You have quite a reputation. As I look at your resumé and hear you this morning—

**Mr James:** Well, the mayor, George Farkouh, has done a tremendous job resurrecting that town and getting the retirees up there. There's a tremendous spirit in that town. There were no shacks there. There were over 20,000 people, and then all the mines closed down. It's just a beautiful town. We had a 1,100-square-foot house.



We first lived in a trailer park up there. But 1,100 square feet—and you put down \$1,000.

**Mr Martin:** I get the feeling, though, that you won't be going back to reside in that community any time soon. When I look at your resumé and hear you this morning, you're a very busy man.

**Mr James:** Yes, but I'm all through these things now.

**Mr Martin:** When you recognize, as you said, that your father still went in to work at 95, it doesn't surprise me that you want to continue and be part of whatever you can do to improve public life, so we appreciate that.

As you know, there is a bit of a debate going on today in terms of the judiciary and where they come down. There is a sense in some quarters that they're too lenient, and in other quarters there are people who believe they are not progressive enough in terms of the kind of sentencing that goes on—for example, the issue of restorative justice, which you hear talked about, and alternative sentencing scenarios that are being promoted, particularly in First Nations communities, where they take a different approach to justice.

There was a private member's bill tabled in the Legislature last year that suggested judges' decision-making needed to be exposed more publicly and that reports needed to be produced that would tell us which judges were more consistently coming down on the side of being harder versus those who are being softer. What is your view of all that?

**Mr James:** On First Nations? You mentioned First Nations having their own system?

**Mr Martin:** Yes.

**Mr James:** I'd have sympathy toward that, I think. But do the lay members really get involved in this type of thing? I thought it was more on misconduct and so on. Do the lay members on this committee get involved in that?

**Mr Martin:** What I'm getting at, Mr James, is there is some suggestion that there should be, I suppose, more involvement by the general public in the decision-making of judges. The private member's bill that was tabled here was a move, I suppose, to expose the pattern of decision-making by certain judges, given that there are people out there who are critical that our judges are too soft.

**Mr James:** I personally don't see anything wrong with listing the decisions that judges made, just as you might list the decisions an MPP made and how they voted on certain issues in the Legislature. I think you have to be accountable and you have to stand up and be reasonably satisfied with the decisions you did make and that they stand for scrutiny.

**Mr Martin:** But you don't think that would in any way affect a judge's ability to be impartial and to carry out their job in terms of the law of the land and the Constitution?

**Mr James:** No. You mean that his decisions would be listed as to whether they're lenient or too—

**Mr Martin:** That judges would then begin to sort of look at the stats to see how they're doing: "Maybe I've got to have a couple more on that side, just to stay in

favour." You don't think that would affect the impartiality of the judicial system in some significant way?

**Mr James:** No. Each decision the judge makes is known, isn't it?

**Mr Martin:** It is.

**Mr James:** All you're doing is listing them and adding them up. I see nothing wrong with that.

**Mr Martin:** Even though the legal society out there and many of the judges have come down very critical of that—

**Mr James:** Is that right? First, I might also add that I'm not sure what the complete job description of this committee is. If they go as far as recommending that all the decisions be listed, I don't know if that's within their job description. Is it?

**Mr Martin:** No, it's not.

**Mr James:** If it's not, I'd leave it for somebody whose job description it's in.

**Mr Martin:** Let's then cut to the chase. What's your position right now? Do you have a position on the judiciary and whether they're being too lenient or too tough, personally?

**Mr James:** I think, as far as gangs and so on, that they're toughening up. In that regard, I think that's a very good thing. By and large, I think the judiciary is doing a good job and they're showing the right amount of leniency or whatever.

**Mr Martin:** My last question: why, with all the things you're involved in and the things you've done—

**Mr James:** These are "ex." That whole list there is "used to be."

**Mr Martin:** So you're looking for something else to do now.

**Mr James:** Yes, I'm looking for something else to do, and this looks like you're dealing with a highly intelligent, great group of people. I think it would be very challenging. It's very challenging with this committee too, I might add.

**The Chair:** Thank you very much for your questions, Mr Martin.

**Mr Wood:** In doing the oversight of any group of people, do you think it's helpful to have clear performance standards which are regularly monitored for compliance?

**Mr James:** On any group of people?

**Mr Wood:** Yes.

**Mr James:** Yes.

**Mr Wood:** Do you think that would apply to judges as well? Do you think that would be usefully applied to judges as well?

**Mr James:** I don't have a problem with it. I just don't know that it's within the jurisdiction of this committee.

**Mr Wood:** No, I'm just asking your opinion.

**Mr James:** I have no problem with standing on your record. I think it's an important thing.

**Mr Wood:** I'm talking a little more about having the standards clearly defined, and then regularly monitoring the performance standards to see whether they're being met.



**Mr James:** Yes.

**Mr Wood:** You think that's a good idea?

**Mr James:** Yes. They do it in industry all the time.

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**Mr Spina:** As someone who was born and raised in northern Ontario, I was also familiar with the famous Bill James. I want to assure you that the definition of the responsibility really falls within the disciplinary mode of the council, as you had assumed. It is strictly disciplinary and not to evaluate whether the sentences of the judges are too harsh or too lenient. But the comment and the question Mr Wood brought forward, I think, is an important element the council has to be conscious of, and that is the criteria of the performance of judges as well as other people within the judiciary.

Thank you for bringing your name forward, sir. We wish you well, should you be appointed.

**The Chair:** Now we go to the official opposition.

**Mrs Dombrowsky:** Good morning, Mr James. First of all, I would like to say how very much I have appreciated your lively presentation here at the end of a rather long morning.

**Mr James:** Thank you. You'll probably be glad when that one's over too.

**Mrs Dombrowsky:** It has certainly been informative, but also entertaining, I must say.

I would like to know your understanding of the term "judicial misconduct." What kinds of things would you be considering? That is part of the mandate of what you will be doing as a member of this council. So what is your understanding of "judicial misconduct"?

**Mr James:** Judicial misconduct, as I would understand it, is maybe when remarks are made on the bench that are not appropriate. It might be behaviour of the judge that's not appropriate. It would be those types of things: inappropriate remarks or actions.

**Mrs Dombrowsky:** Can you give me an example of remarks that are inappropriate?

**Mr James:** If there was a racial remark, I consider that inappropriate.

**Mrs Dombrowsky:** All right. You have indicated in your remarks this morning as well that you are of the opinion that the judiciary in the province at the present time is fair, balanced and impartial. I certainly appreciate, and for the most part would agree with, that observation. You've already indicated on a previous question that you think it would be appropriate that there be an accounting of the cases heard by a judge. But as you've also indicated, if the judiciary is fair, balanced and impartial, can you perhaps explain why there would be the need for that? If there was that type of reporting, might there be some undue public pressure on a judge who would have a record that might be considered too lenient or, on the other hand, that might be considered too stringent? Do you not think that there might be some public pressure brought to bear on the judge in that role?

**Mr James:** If they are fair, impartial and reasonable, I think that will show up in the record.

**Mrs Dombrowsky:** Then why do we need a report card?

**Mr James:** You don't know until you get the report card, possibly. This'll show up. If all that is so, then it shows and there's not a problem. I don't understand the problem if that comes out in the accounting.

**Mrs Dombrowsky:** Certainly there is a concern within the profession that undue public pressure would be brought to bear on a system that they would say is, as you have described, fair, balanced and impartial already.

I do thank you, though, for your observations on that matter. I'll hand it over to my colleague Mr Crozier, and I thank you very much.

**Mr Crozier:** Good morning, Mr James. Just a little further on that same issue. You've made the comments you have, as Mrs Dombrowsky has pointed out, and you've agreed, though, with Mr Wood that it would be reasonable to have standards set and have the judiciary judged against those standards. Who do you think should set those standards?

**Mr James:** I don't know. To give a thought on that right off the bat might be a little premature. But I think the senior judiciary should be involved and maybe the Attorney General's department. I don't know. Maybe the Attorney General, senior judiciary, and maybe people throughout the judiciary, the front-line judges who are making the decisions. So I think it should be a fairly broad spectrum, and maybe even lay people should be in it to see what they think. I think you would want to have a fairly broad group to make that decision.

**Mr Crozier:** I would just comment and ask a kind of rhetorical question: might it not be very difficult for that group, although they may set the standards, to set standards that everybody would agree with?

**Mr James:** Do they really set the standards or do they make a decision on—I'm not quite clear how this would work.

**Mr Crozier:** That maybe has answered my question.

**Mr James:** Yes.

**Mr Crozier:** That's kind of my point. It's very simple to make the statement that you think standards should be set and that they should be judged by it, but it's a huge question as to how these standards will be arrived at. I have, unlike you—you're a lawyer?

**Mr James:** No, I'm a geologist.

**Mr Crozier:** I'm glad to hear that.

**Mr James:** I'm nothing sophisticated like lawyers.

**Mr Crozier:** I'm glad to hear that. Not being a lawyer, I would say, for example, that maybe these standards could be judged—the opportunity is there for either side in a case to appeal it if they don't think the judge who has made a decision has applied a particular standard in their mind, and you go on and someone else looks at it. Would that normally be the case, do you think?

**Mr James:** You can always appeal. You can do that now. I don't know what the difference would be.

**Mr Crozier:** Anyway, that will make for great conversation as we go on. I haven't the slightest doubt in my mind that you won't approach this appointment to the



judicial council in the very best way. I am curious, though: in your wide experience, do you know any judges, personally, who are on the Ontario Court of Justice?

**Mr James:** I met one, but I forgot his name. That are on right now?

**Mr Crozier:** This isn't a trap; I'm just curious as to whether you do or not.

**Mr James:** No, it's not a trap. I renovated a house beside a gentleman who went on to commercial court. He was a great guy, too, but I've forgotten his name right now. I did know him, and he's on there now.

**Mr Crozier:** Judges have to be very careful, I suppose, about their social life and business life because of the very position they hold. I was just curious, in your wide experience.

I wish you well, sir. I don't know exactly who calls people before our committee. Sometimes it isn't always the people who are sitting right here at the table, and I see you were called by the official opposition. Whoever it was who put your name on the list, I'm sure pleased they did because I've enjoyed your attendance.

**Mr James:** Thank you very much, Mr Crozier. That's a pleasure to hear.

**Mr Martin:** On a point of order, Chair: I was wondering if we might have unanimous consent, given your position on the board of Air Canada, to ask you some questions about Air Canada?

**The Chair:** I think I'll rule that out of order.

**Mr James:** My Templeton growth fund wasn't doing that well. I used to get a lot of questions on that too.

**The Chair:** Thank you very much, Mr James. It's hard to repress from time to time, as we know. As for your contention that you're not sophisticated, Mr James, I look at your BA and MA from the University of Toronto and your PhD from McGill and the background that you have, so I think members of the committee would agree there's a sophistication there that isn't hidden by your great sense of humour. I thank you very much for being before the committee today. We've enjoyed having you before the committee, sir.

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**Mr James:** Thank you very much, Chairman. It's been a pleasure to be here and to meet the members of the committee. It's my honour.

**The Chair:** We have now completed the discussions concerning each of these individuals. They have appeared before us and we have had a chance to question them. It now comes to the time when we have a vote on these. I have to see if Mr Crozier is going to be back for the vote in just a moment. Anyway, I will now accept any motions in regard to the intended appointees.

**Mr Wood:** I move concurrence re Mr Pengelly.

**The Chair:** We have a motion for concurrence for the appointment of Mr Pengelly. That was our first appointment this morning and it was to the Town of Greater Napanee Police Services Board. Any discussion, first of all, on Mr Pengelly's appointment? If not, I'll call a vote. All in favour? Opposed? The motion is carried.

**Mr Wood:** I move concurrence re Ms Fraser.

**Mrs Dombrowsky:** A recorded vote, please.

**The Chair:** OK. A recorded vote has been asked for the appointment of Jacquelyn Fraser, intended appointee as member, Environmental Review Tribunal. We have a request for a recorded vote. First of all, any discussion of this appointment?

**Mr Martin:** Even though I appreciate the sincerity of the applicant, I have some very serious concerns re the whole question of the conflict of interest. This isn't just on the commission; this is on the tribunal that oversees the commission that rules on decisions that are made by the commission. I think that you have to have people on those kinds of tribunals who have absolutely no taint of any sort where the possibility of conflict of interest might be concerned. I just think that there's too much in this instance by way of her personal employment. If you apply that very directly to what's going on with the commission and some of the work that it needs to do and some of the very difficult discussions that are ongoing in that part of Ontario, I cannot and will not be supporting this application.

**The Chair:** Any other discussion of this appointment?

**Mr Crozier:** Just to add to that, we won't be able to support this appointment either. I think that it would be so much more fair if appointees to these types of boards, commissions and, as Mr Martin has pointed out, particularly a tribunal that's going to review the decisions, perhaps, of the commission, should be totally at arm's length and have absolutely no connection with anyone who would have a vested interest. I would have thought that the government would make sure that the appointee in fact doesn't have to declare a conflict of interest, because when you do you really take a voice off that tribunal. I don't know whether every attempt was made to find someone who could be at arm's length in this situation. I certainly do not dispute the character or the qualifications or anything else of the appointee. Quite frankly, it's the government I'm addressing my comments to in that I don't believe they should have ever put this appointment forward in the first place.

**The Chair:** Any other comment from any member of the committee? If not, we've had a request for a recorded vote.

#### Ayes

DeFaria, Kells, Spina, Wood.

#### Nays

Crozier, Dombrowsky, Martin.

**The Chair:** The motion is carried.

The next appointment was an intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal: Lorraine Bartolussi.

**Mr Wood:** I move concurrence re Ms Bartolussi.



**Mr Martin:** I think Ms Bortolussi will make a good appointment, given her background in family law and her understanding of the very important issue of income where families are concerned and some of the answers that she gave to some of the questions that I put to her this morning. So I, on behalf of our caucus, will certainly be supporting that appointment.

**The Chair:** Any further comment? If not, all in favour? Opposed? Motion carried.

The next appointment is intended appointee as public-at-large member, Niagara Escarpment Commission, Carman R. Myles.

**Mr Wood:** I move concurrence re Mr Myles.

**The Chair:** Concurrence has been moved by Mr Wood.

**Mrs Dombrowsky:** A recorded vote, please.

**The Chair:** A recorded vote has been requested. Any discussion?

**Mr Martin:** Again, I'm not comfortable with this appointment. On one hand, I feel somewhat disappointed that Mr Myles in coming before us today was not made aware or brought up to speed on the actual act itself that governs this commission and didn't seem to have any knowledge of some of the very difficult debates and discussions that are going on at that commission. Yet, on the other hand, when asked some questions of some specificity, he seemed to have some understanding of some of the things that are going on there. That led me to believe that perhaps we aren't hearing and seeing all that's present there.

This is a very important beachhead where managing the environment of this province is concerned right now. What we do with the Niagara Escarpment, given its very high profile politically, not only in the communities that surround it, but in the city of Toronto, will set some standards, will be a bit of a benchmark. So I think we have to have people on those commissions who understand what the job is, understand what the issues are and bring to it an objectivity that will lend to, in the long run, some wise decisions being made that are balanced and ultimately intelligent in terms of the sustainability of anything that happens in that area.

As I said before, what that says in terms of other things we might do across this province, where a concern for the environment and an understanding of how important a healthy environment is to any sustainability we might have, where our ecosystem is concerned and life in general and the support of communities is paramount. So I won't be supporting this appointment this morning.

**The Chair:** Any further comment?

**Mrs Dombrowsky:** I will not be able to support this appointment, either.

**Mr Crozier:** We.

**Mrs Dombrowsky:** My colleague has indicated I should be saying "we." I do believe that Mr Bradley, in his questions to Mr Myles, made some valid points. I was very disappointed that Mr Myles was perhaps not provided with the background that he should have had so that he might have been better able to respond. He did indicate on a number of occasions that he didn't have an opinion. I've got to think that someone, even if they had the background material that I've had, would have had an opinion on some of those issues.

Additionally, I am disappointed that an individual, a young woman, whose performance was viewed as exemplary by those people who are particularly interested in the Niagara Escarpment region and had given her an A rating, who has indicated that she would be willing to continue to serve in that role, is no longer invited to participate or invited to be a part of that very important body. So we are replacing someone who is very highly regarded by those who are particularly interested in issues that relate to the Niagara Escarpment and the act that regulates its management. She has demonstrated that, is recognized for that and is now being replaced by someone who has no opinion yet on many important issues that were brought to the conversation this morning. So I will not be able to support this appointment.

**The Chair:** Any other comment? If not, there's been a request for a recorded vote.

#### Ayes

DeFaria, Kells, Spina, Wood.

#### Nays

Crozier, Dombrowsky, Martin.

**The Chair:** The motion is carried.

We are now at the conclusion of this meeting. Is there anyone who has any business they'd like to raise?

**Mr Wood:** Yes, I'd like to move concurrence re Mr James.

**The Chair:** That's a very good idea. Yes, we have one more appointment, and Mr Wood was kind enough to move concurrence in the appointment as a member of the Ontario Judicial Council of William James. Any discussion, first of all? If not, I'll call the vote. All in favour? Opposed? The motion is carried. Thank you, Mr Wood.

**Mr Wood:** You're welcome.

**The Chair:** Any other business to come before the committee? If not, I'll ask for an adjournment motion.

**Mr Spina:** So moved.

**The Chair:** Mr Spina has moved the adjournment of the meeting. All in favour? Opposed? Carried.

*The committee adjourned at 1152.*







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# Official Report of Debates (Hansard)

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# Journal des débats (Hansard)

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Wednesday 4 April 2001

*The committee met at 1033 in room 151.*

## SUBCOMMITTEE REPORTS

**The Chair (Mr James J. Bradley):** I'll call the meeting to order for the purposes of Hansard and for our purposes. Welcome to members of the committee. I think we're the only committee that's allowed to sit right now. Some members have even changed in appearance at this committee.

**Mr Joseph Spina (Brampton Centre):** Temporarily.

**The Chair:** Temporarily, I'm told.

We have two reports to deal with. First of all, the report of the subcommittee on business dated Thursday, March 15, 2001.

**Mr Spina:** I move acceptance of the minutes.

**The Chair:** All in favour of that motion? Opposed? The motion is carried.

The second is the report of the subcommittee on business dated Thursday, March 29, 2001.

**Mr Spina:** I move acceptance of the minutes.

**The Chair:** All in favour of the motion? Opposed, if any? Did anybody put up their hand, first of all? All in favour of the motion? Opposed? Motion carried.

We come to the appointments review, but before we do I should indicate to the committee that we have received a memorandum dated March 27, 2001, that reads: "This is to inform you that one item included in the March 9, 2001 memorandum has been withdrawn, and, therefore, should not be considered." That was under the auspices of the Ministry of the Environment, the Pesticides Advisory Committee, Syd Antler. Peter Allen, the general manager of the Public Appointments Secretariat, has sent that to us. So that proposed individual has been withdrawn. I just wanted to inform members of the committee of that.

**Ms Marilyn Churley (Toronto-Danforth):** You mean there is still a Pesticides Advisory Committee?

**The Chair:** There is still a Pesticides Advisory Committee, believe it or not.

I'm going to, as I have when I have to, in my capacity as the environment critic for the official opposition, I'll relinquish the chair to the Vice-Chair. For once, I get to ask some questions in the committee, as I did before. I'll ask Mr Crozier if he'll come forward for the first appointment.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mercredi 4 avril 2001

INTENDED APPOINTMENTS  
ROBERT BRECHIN

Review of intended appointment, selected by official opposition party and third party: Robert Brechin, intended appointee as member, Niagara Escarpment Commission.

**The Vice-Chair (Mr Bruce Crozier):** The first appointment is Robert Brechin. I hope I have that correct, sir.

**Mr Robert Brechin:** Correct, Mr Chairman. Is this fine?

**The Vice-Chair:** That's just fine. Make yourself comfortable. You will be given an opportunity for some opening comments if you so choose. The length of time of your comments will be taken from the government's questioning time, but I wouldn't let that deter me at all if I were you. Then there'll be some questioning in rotation, if time allows, for the other caucuses. Please, if you have some comments, proceed.

**Mr Brechin:** Yes, I do. Good morning, Mr Chairman and committee. Thank you for permitting me to share this time with you. I understand and appreciate the demands placed on elected officials, both of time and paper, so I will try to be brief but comprehensive.

My name is Robert Brechin and I am the seventh child of Scottish immigrants. James Brechin, my father, was a gardener, and Rachel Crichton, my mother, worked on an estate in Scotland before coming to Canada. Edith, my wife, is one of seven children born to Italian immigrants who also came off the land. Both Edith and I are blessed that they settled in this beautiful, bountiful and unique part of the world. Our six children and eight grandchildren will be equally blessed if we, as a society, are good stewards and they work hard.

Both Edith and I were born in Hamilton. We moved to Stoney Creek into a new subdivision backing on to Battlefield House. The war memorial of 1812-14 marking the graves of those who fought and died there was at the bottom of our street. In 1965 we moved to Burlington, again into a new development, a former orchard where I picked fruit as a boy.

Dofasco provided me with an uninterrupted, interesting and sometimes exciting career for 40 years in accounting, sales, international marketing and as director of the Canadian tin plate recycling council. In 1991 Dofasco offered a plant-wide early retirement package which I and some 3,000 other people accepted. Between



1978 and 1997 I served as ward 7 alderman on Burlington city council. Concurrently, between 1991 and 1997 I was elected councillor to the region of Halton. I chose not to run for re-election in 1997.

During my business career I was actively involved with the Hamilton and District Chamber of Commerce, the Canadian Manufacturers' Association and the Canadian Exporters' Association in a variety of committee chairs and board member functions.

My current volunteer involvement includes St Raphael's parish and the Burlington Reuse Centre. In the past I have been involved in board and/or fundraising activities for the Hamilton/Burlington YMCA, United Way of Burlington, Hamilton-Wentworth, Joseph Brant Memorial Hospital, Burlington Art Centre, LACAC and the Canadian Institute of International Affairs; there are others.

I submitted my application for appointment to the Niagara Escarpment Commission with the conviction that with my experience and knowledge I could make a meaningful contribution to the preservation and maintenance of the Niagara Escarpment.

There are a multitude of pressures which require special, sensitive and careful land use planning; these pressures will. The population growth in Ontario from Canadian immigration policy alone could reach 80,000 people annually. These pressures are a result of the conflict between the desire to protect the environment and simultaneously utilize the tremendous resources the escarpment provides.

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Consider for a moment: we farm it, we mine it, we build roads through it, we have recreation park facilities on it, we encourage ecotourism, we develop the Bruce Trail on it. Not only can we see it from outer space, but also we have accepted UNESCO's designation of it. The challenge is to accommodate all these interests. A balance must be found between promotion and protection.

With my experience as a child exploring the wonders of the escarpment, as a father sharing similar excitement with my children, as a business person balancing different points of view and priorities, as a volunteer seeing the diversity between the fortunate and less fortunate of our society, as a former councillor who understands the need for good land use planning, I look forward to accepting this challenge.

Thank you. I would be pleased to answer your questions the best I can.

**The Vice-Chair:** Thank you, Mr Brechin. We'll begin that questioning with the NDP caucus.

**Ms Churley:** How long do I have?

**The Vice-Chair:** Ten minutes.

**Ms Churley:** Good morning. Thank you for coming this morning.

First of all, I want to ask you—and I always ask these questions—your political affiliation. It's my understanding that you've been involved in some form in Cam Jackson's campaigns in Burlington.

**Mr Brechin:** Yes. I don't have any hesitation in acknowledging that I am a member of the Burlington PC association, although I question if that's a fair question and I wonder how it relates to my desire to protect the escarpment.

**Ms Churley:** I always ask these questions because I find that at times it can be relevant, depending on one's background and positions on certain issues, and sometimes who you golf with or not.

However, as you know, there are some real concerns among some, particularly CONE and myself and my party, about the tip of the balance that's happened at the commission, where a lot of the people who are there to protect the environment have been systematically removed. More and more, we see the balance tip so that there are more pro-development types on that commission. Therefore, my questions are going to be related to that particular concern.

What is your understanding of the primacy of environmental protection versus the development orientation of the NEP? As you know, this is the largest-scale, environmental-based land use plan in all of Canada, different from municipal official plans in that it's actually designed to protect the environment. So I want to know, when you talk about balance, given the mandate of this plan—which was brought in, by the way, as you know, by two successive Tory governments in the past—what's your understanding when you talk about balance here?

**Mr Brechin:** I think we have an obligation to protect the escarpment. In so doing, I don't think we can ignore that landowners do have some rights, providing they don't infringe on the protection of the escarpment.

**Ms Churley:** I mentioned CONE before. You know who CONE is, I assume?

**Mr Brechin:** Yes.

**Ms Churley:** Recently CONE had put out a report card lamenting the fact—actually grading people on the escarpment in terms of the way they've been voting in terms of protecting the environment. A commissioner named Larry Miller, whom you may know, said that he didn't want to see more information from CONE in his packages. He continued to say things like, "It bugs the hell out of me the very childish way they do things," and, "CONE is out to intimidate members, but they don't intimidate me," that sort of thing. I just wonder what you think about CONE and the very important role, in my view, that it plays. Would you support those comments by Mr Miller?

**Mr Brechin:** I don't believe so. CONE has legitimate concerns and they express them fairly well. I think I would find them as a good source of information to get a balanced viewpoint.

**Ms Churley:** As you know, there's been some controversy and discussion, particularly after a member of the Tory caucus, Mr Bill Murdoch, brought in a private member's bill—are you familiar with that bill?

**Mr Brechin:** I understand it died on the order paper, but I question whether I could support that bill.



**Ms Churley:** That's what I wanted to ask you. I wanted to ask your views because I think this is really fundamental, the view that the Niagara Escarpment plan should be downloaded to the municipalities and have the municipalities be the ones responsible for land use planning on the escarpment.

**Mr Brechin:** No, I don't think the escarpment commission should be disbanded at the present time and perhaps even in the foreseeable future. I think you have to have a consistency through the whole Niagara Escarpment area, which is, I understand, some 450 miles, but I stand to be corrected. I don't think we can have a variance between eight municipal governments administering that with a consistent approach.

**Ms Churley:** I'm very pleased to hear that. I certainly am quite concerned about this move, so it's nice to know that you would oppose, then, any move to—

**Mr Brechin:** That's a legitimate concern.

**Ms Churley:** Yes, thank you.

I wanted to ask you if you support amendment 71. Being from Burlington, I assume you know that's the escarpment link, which we understand has now been approved by the commission. This would add lands from the Burlington and Hamilton areas to the Niagara Escarpment planning area. I believe this was called the escarpment link. It came from the Parkway Belt West plan, which when we were in government we shifted to the Niagara Escarpment plan. That's been approved. Do you support that?

**Mr Brechin:** I'm not too familiar with what you're talking about and I would need more study, but from your comments it would seem that it would be logical that the Niagara Escarpment plan should assume the jurisdiction of those lands.

**Ms Churley:** I have one more question if I have time.

**The Vice-Chair:** Yes, you have three and a half minutes.

**Ms Churley:** That's wonderful.

I want to know—and I know this is difficult for people just coming on in a new position, but I presume that you've thought about this—given your background and the interest you've expressed in protecting the environment and land, what your priorities would be in this position and what you would do to strengthen environmental protection in the Niagara Escarpment.

**Mr Brechin:** I'm at a pretty high learning curve in this whole area. I think one of my first thrusts would be to get a better handle on the various land use designations of the escarpment plan, such as the core, the buffer, the transitional areas, and get a better understanding of the differences between those classifications.

**Ms Churley:** Are you aware, then, that there has been concern recently from those on the side of protecting the environment versus development, in trying to find that balance, who think that the balance has been shifted and there have been some very bad policy decisions made and some very bad zoning decisions made that go counter to the commission's own? Are you aware of that and, if so, what would you do to correct that balance?

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**Mr Brechin:** I can't say I'm too familiar with the instances you're speaking of. If you could give me an example, perhaps I could comment better.

**Ms Churley:** What prompted you to apply for this position?

**Mr Brechin:** I thought with my experience and knowledge, it would be a waste not to try and make a contribution to the community I live in.

**Ms Churley:** Did anybody approach you to apply for this position—

**Mr Brechin:** No.

**Ms Churley:** —or was this something that you have an interest in?

**Mr Brechin:** I indicated to Cam Jackson, who is my MPP, that I had an interest in being of service if there was anything that was a fit. He came forward with several opportunities, and I selected this one as the one that seemed to fit my interests and my capabilities.

**Ms Churley:** But you would say, then, that although you have an interest in this, from your responses to some of my questions, you do have quite a learning curve here and that I can count on you, from what you said about wanting to protect the environment, to take a look at some of these poor environmental decisions that have been made recently and perhaps be one of the ones to tip the balance back to protecting the environment?

**Mr Brechin:** That would be a good start in my education.

**Ms Churley:** Can I count on you, when I look at your record a year from now, to be one of those who will—

**Mr Brechin:** Certainly. If you would send me some of the decisions you aren't happy with, I'd be more than pleased to study them.

**Ms Churley:** Great. Thank you very much.

**The Vice-Chair:** We will continue in our rotation of questions with the government caucus.

**Mr Spina:** We'll waive our time, Mr Chair.

**Ms Churley:** I asked all the questions they would have asked.

**Mr Spina:** That's right.

**The Vice-Chair:** We'll move, then, to the Liberal caucus and Mr Bradley.

**Mr James J. Bradley (St Catharines):** The first question I have goes back to the issue of how much control municipalities should have and how much control the commission should have. There is a significant body of opinion, particularly as you get up into Grey county and the member for Grey, that the role of the commission should be assumed by municipalities; that you allow the individual members of municipalities who have their councillors, who go to church with the developer, who see the developer at the Rotary Club, things of that nature, to make the decisions, instead of a detached commission that is supposed to be independent of those pressures.

On Wednesday, March 3, 1993, in the council chambers at the Halton Regional Centre, there was an issue that arose that seems to fit into that: "Planning and public



works committee report 693, item 5.1: update regarding possible delegation of Niagara Escarpment development control permit approval authority from the Niagara Escarpment Commission to Halton region." That was an issue that was voted upon. There was a recorded vote and you voted in favour of that. Would you today still be in favour of that particular motion which would have changed the Niagara Escarpment development control permit approval authority from the Niagara Escarpment Commission to Halton region?

**Mr Brechin:** Not likely would I have supported that today. If I recall, that's a long time ago.

**Mr Bradley:** It was 1993, right?

**Mr Brechin:** Yes. Part of that came about—it's the concern the council had with some of the delays the commission was taking, some of the decisions the commission was taking, and I think it was passed more tongue-in-cheek, wanting to send a message to the commission, knowing that the government wasn't about to act on that motion.

**Mr Bradley:** I personally would be very concerned that a serious motion of that kind would be tongue-in-cheek and that we would have a motion at the regional municipality of Halton that would call for that and that people would seriously be voting for it if they weren't really in favour of it, but be that as it may, as the lawyers say.

**Mr Brechin:** I think perhaps that was a poor choice of words on my part, but I was trying to convey the message as briefly as I could. I don't think we thought the government would act on that motion.

**Mr Bradley:** You mentioned that one of the concerns was the lack of what you would call "movement" by the commission. The commission, as you may be aware, in recent years has been almost annihilated in terms of its budget. It has fewer staff to do the job—this must sound familiar—and fewer resources and, some people would say, less clout than it used to have.

Would you be supportive of restoring the staffing and the resources it had, say, half a dozen years ago?

**Mr Brechin:** I'd have to study that in more depth but, from what you indicate, an increase in their budget might be well worthwhile. However, we folks who were born in the 1930s, all the ones I've met, seem to be pretty frugal and try to do more with less. That doesn't mean to say the commission can. Again, that is an area I'd be pleased to study.

**Mr Bradley:** Do you think the government might be able to find the funds for that if it were to significantly reduce the amount of money it spends on government advertising, now over \$200 million?

**Mr Brechin:** I couldn't comment on that.

**Mr Bradley:** You couldn't comment on that. OK. My friends there on the other side are smiling.

**Mr Wayne Wettlaufer (Kitchener Centre):** How much did your government spend?

**Mr Bradley:** Far less, and it wasn't partisan advertising. However, we won't get into that debate with my

good friends on the other side. I know they don't want to get into that today.

**Mr Morley Kells (Etobicoke-Lakeshore):** I remember "Preserve it; conserve it."

**Mr Bradley:** I remember that one too.

We have a situation now where wineries are moving into the escarpment—

**Mr Brechin:** In great numbers.

**Mr Bradley:** —in great numbers. There's one proposal that came forward that would call for cottages, they would call them—in other words, accommodation—and a culinary school. Would you be in favour of that as part of a winery development?

**Mr Brechin:** Was that Stoney Ridge?

**Mr Bradley:** No, that was Vineland Estates.

**Mr Brechin:** I don't think I would think that was a fitting use for escarpment lands. We've got to protect our agricultural lands, particularly our fruit-growing lands in the Niagara Peninsula, because we aren't going to replace them if we pave them over.

**Mr Bradley:** That particular statement you made is music to my ears. As I drive down the Queen Elizabeth Highway and watch acre after acre paved over, I am pleased to hear what you have just said, because we are quickly losing that valuable farmland. Sir, you're absolutely right; we can't get it back.

**Mr Brechin:** I'm a little older than you and I think my distress is a little more acute.

**Mr Bradley:** Good. I'm even happier to hear that. Do you believe that the Ministry of the Environment or the Ministry of Natural Resources should be responsible for the Niagara Escarpment Commission?

**Mr Brechin:** That's difficult to say. Both should be capable if they have a sincere desire to protect the escarpment and come to reasoned decisions that are arrived at openly, honestly and fairly.

**Mr Bradley:** Could you figure out in your own mind, because you're a man of some considerable experience in municipal government and other organizations, why on earth the Premier would remove responsibility from the Ministry of the Environment, which is there to protect the environment, and give it to the Ministry of Natural Resources, which is there to do a lot of things, some of which are to allow people to do a lot of developing, such as the aggregate industry and so on? In other words, they have a clientele which is different from the Ministry of the Environment's. Do you think it would, then, be better left under a ministry whose mandate it is to protect the environment than under one whose mandate is not necessarily to protect the environment?

**Mr Brechin:** I have no idea why and I'm not privy to the facts that made the government come to that decision, so I really would have trouble commenting on that. There's no question that the escarpment is a fantastic resource, as I mentioned in my opening remarks, with some of the things we do with it.

1100

**Mr Bradley:** There is a concern, and I would think many of us would share it, that as a resource the farmland



we have out there—once the ski hill is in the escarpment or once the hotel is built, the Escarpment Hilton or whatever it happens to be, or once another severance is given to yet another friend of somebody, the escarpment loses each time. I call it death by a thousand cuts as opposed to one big decision. This is why we're concerned, those of us who are concerned about the environment, when we see people being bounced from the commission who, unfortunately for them, got an A from CONE for the way they voted. I'm not saying you—I'll reserve judgment—but there have been other people who have been appointed who certainly, I would project, would not be getting an A from CONE, and some reappointed who got Ds and so on from CONE. All that concerns me, sir.

Let me ask you this question about your personal background. It's a business background. Business often tends to be pro-development. Would you describe yourself and your general philosophy as pro-development, not specifically the escarpment, but would you say you are pro-development?

**Mr Brechin:** No. I recognize the landowner has some rights that must be considered, as long as they don't bring discomfort or dislocate their neighbour.

As to some of your other comments, you can't destroy through development what you're trying to protect and what the attraction is and the beauty is. It's fine to try to develop ecotourism, but you can't destroy the attraction in the process.

**Mr Bradley:** Thank you. I know Ms Di Cocco had some questions.

**Ms Caroline Di Cocco (Sarnia-Lambton):** You stated in your opening remarks that we have to attain a balance between promotion and protection. I didn't quite understand what you meant by that, "promotion and protection." What did you mean by "promotion"; what did you mean by "protection"?

**Mr Brechin:** Well, it's already going on. It's a great source of mineral extraction; we mine it. We're trying to develop parts. We've developed the Bruce Trail. We develop it and we farm it quite extensively.

**Ms Di Cocco:** Again, I don't—

**The Vice-Chair:** This will be the last question.

**Ms Di Cocco:** Just quickly, then, what do you believe your responsibility is on the commission?

**Mr Brechin:** To protect the escarpment, maintain it. The commission does that through control of development by the issuance of permits.

**The Vice-Chair:** Thank you, sir, for appearing this morning and allowing us the time to discuss the issue with you. The decision on the concurrence on your appointment will be made, I expect, at the end of this meeting.

**Mr Brechin:** Thank you very much, Mr Crozier and committee.

By the way, has Ray Lowes ever been recognized for his work on developing the escarpment, the Bruce Trail? That might be one of my missions. I think that should be recognized.

**The Chair:** Thank you kindly, sir.

#### N. SCOTT WHITE

Review of intended appointment, selected by official opposition party: N. Scott White, intended appointee as chair, Ontario Realty Corp board of directors.

**The Chair:** The next person to come before the committee is N. Scott White, intended appointee as chair, Ontario Realty Corp board of directors.

It seems we're going this way, so I think I'll go to the government first.

**Mr Wettlaufer:** We'll let him make his presentation first.

**The Chair:** Yes, I will, but I just wanted to let you know that.

Sir, as you recognize, you have the opportunity to make a few remarks at the beginning, as long as you wish, in fact, I think up to 10 minutes; that's the Conservative time. As has been explained, we subtract that from the time that the Conservative Party, the governing party, has to ask questions.

But that should not, as the Chairman said to a previous person, confine you in your remarks.

Welcome to the committee. We'd be happy to hear an opening statement from you.

**Mr N. Scott White:** Mr Chairman, members of the committee, good morning. Thank you for this opportunity. I intend to make my opening remarks brief to explain to you who I am and what my qualifications are for the role of chair of the Ontario Realty Corp.

I was born and raised in the city of Toronto. I'm a happily married father of three children. I've been in the commercial real estate business for the past 30 years. I started with a firm called W.H. Bosley as a sales trainee and worked my way up to salesman specializing in office leasing.

From W.H. Bosley I was appointed as director of leasing for Dominion Realty, which is a subsidiary of the CIBC, and was responsible for the construction and leasing of Commerce Court, a 2.5-million-square-foot office development in downtown Toronto.

After the successful completion of the leasing of that project, I was appointed as head of the investment, commercial and industrial division of a firm called Young and Biggin. My charge was to develop that division. During my tenure there, I increased the sales staff to 15 people and revenues to approximately \$3 million.

In 1976, due to some unfortunate non-real-estate investments by the owners of Young and Biggin, it went into bankruptcy. I was then asked to join a small new firm in Toronto called Leasco Realty, which was in the commercial leasing business. I was made a partner and managing director of that firm. Over the next nine years, that firm grew to be one of the dominant forces in the Toronto office leasing market. We also expanded into the industrial market, the investment business and the property management business.



In the early 1980s we felt the pressure of the large US commercial brokers looking carefully at Canada, and more particularly at Toronto. We were looking for ways to protect ourselves and decided to become a national firm. We started looking at other Canadian markets and firms within those marketplaces, and in 1985 we were successful in acquiring a firm in Vancouver called Macauley Nicolls Maitland, which had offices in Vancouver, Calgary, Edmonton and Seattle. We merged that firm with Leasco Realty, renamed it Colliers Macauley Nicolls, and sold the former employees of Macauley Nicolls Maitland a 50% interest in the firm, making it a truly national firm. I was appointed president of the company at that point in time and was responsible for its operations in eastern Canada. Since then, Colliers Macauley Nicolls has grown to be the largest commercial brokerage firm in Canada. We have offices in every major market in Canada, stretching from Halifax to Victoria.

In 1997 I was appointed vice-chairman of the company and moved to Vancouver. Again we had a concern about competition and the globalization of our industry and decided to expand on a global basis, starting in the United States, where we opened approximately 15 offices, the major ones being in Portland, San Francisco, San Diego, Sacramento, Phoenix, Dallas, Detroit and Cleveland. We also became partners with Jardine Matheson and purchased a 50% interest in a firm called Colliers Jardine. It is one of the largest commercial brokerage firms in Asia and Australia. We also acquired an interest in a firm in Mexico and expanded our operations into Brazil, Venezuela and Argentina.

Next, we decided to take a look at Europe, and we expanded into eastern Europe and opened offices in Warsaw, Prague, Budapest and Bucharest.

1110

Today, Colliers has revenues of about \$400 million annually, versus 1985, when we put the two firms together, when the revenues were approximately \$10 million.

Over the years, I've given my time and effort to a lot of charitable work in the educational field, the sports field and the medical field.

In the year 2000 I decided to return to my roots here in Toronto, and at the end of that year I retired from Colliers Macauley Nicolls. But I'm not yet ready to put my feet up on my porch on my farm, which is on the Niagara Escarpment. As my wife keeps reminding me, it's for better or worse, not for lunch. So I'm really proud to have this opportunity to utilize my real estate experience and give back to the community in terms of the proposal as chair of the Ontario Realty Corp.

**The Chair:** Thank you very much, sir. Members of the government caucus?

**Mr Bert Johnson (Perth-Middlesex):** I just have one question because of the peculiar interest that others might have. As a for instance, I don't have my brokerage licence any more, but we hear daily on the news the problem of shares and transfers and conflicts. So with

that, I wanted to ask, do you have a financial interest yet in Colliers that would make a difficulty perhaps with the Ontario Realty Corp?

**Mr White:** We have a shareholders' agreement within our company which requires me to sell and the company to buy when I leave the company, and we are in the process of negotiating that price at this point in time.

**Mr Johnson:** Thank you. That's all I had.

**Mr Spina:** That was the question I had. We'll waive the rest of our time.

**The Chair:** The official opposition?

**Mr Bruce Crozier (Essex):** Good morning, sir, and welcome. Just to clarify that, your curriculum vitae that I was given said that you have been with Colliers as vice-chair since 1995 to the present—or let's look at right now. You're in the process of leaving Colliers. Is that correct?

**Mr White:** I officially left at the end of last year. I am no longer an employee of Colliers Macauley Nicolls.

**Mr Crozier:** So we could update that?

**Mr White:** Yes.

**Mr Crozier:** It says the end of 2000. While you were there, did Colliers International do any business with the Ontario government, and do they continue to?

**Mr White:** Yes, they do.

**Mr Crozier:** Since you have considerable experience and considerable contacts, particularly with Colliers, how will that, if at all, affect your position if and when you're appointed—and you will be—as chair of the ORC board of directors?

**Mr White:** I don't think it will have any conflict at all with the Ontario Realty Corp. The role of the board is to set policy, not to implement it.

**Mr Crozier:** Correct, although the role of the board is quite extensive in the direction that it gives to the operating personnel. It may be that they set policy, but you're no doubt aware that because of some interesting transactions that have gone on, the board now has to approve all sales.

**Mr White:** I wasn't aware of that, sir.

**Mr Crozier:** Since you are now aware of that, would you answer my question any differently as to—

**Mr White:** No, I wouldn't. What you're talking about is an approval after the fact. The property will have already been sold through an agent. The board will not be part of that process.

**Mr Crozier:** But perhaps you can explain this for me, then, sir. Why would it be brought to the board if it's after the fact?

**Mr White:** I don't know, sir. Well, the sale is conditional upon approval of the board.

**Mr Crozier:** So it's not after the fact?

**Mr White:** It's after such time as a broker was employed or the sales process went on.

**Mr Crozier:** But the board has to approve the sale.

**Mr White:** Yes.

**Mr Crozier:** So you're an integral part of that.

**Mr White:** Yes, sir.



**Mr Crozier:** And you're going to assure me and those of us who are here and the cabinet that has actually made your appointment, you're going to assure all these folks, that notwithstanding the fact that you have been in the business for years and that you have close contacts in that business, that Colliers International will receive not one iota of favouritism or access because of those contacts?

**Mr White:** Yes, sir.

**Mr Crozier:** Thank you. I'd like to be assured that you can sever that kind of relationship, because ministers in the government, for example, and senior bureaucrats aren't able to so quickly move from one position to another when it might be affected by either decisions or contacts they've had before. My point in going this route was to suggest that maybe there should be a reasonable length of time before that's done. But be that as it may, you've assured us that that's the case.

Did you ask for this appointment?

**Mr White:** I'll explain that with a statement. One of my competitors called me up to ask me something and I explained to him that I could no longer give him his answer because I had just retired from Colliers Macaulay Nicolls. He was the one who suggested this to me and then asked me if I would allow my name to stand for consideration for this appointment. I was subsequently contacted by the appointments secretariat's office.

**Mr Crozier:** So one of your competitors who is in the same business was aware that the appointment to the chair of the ORC was available?

**Mr White:** Yes, sir.

**Mr Crozier:** Who was that? Who was the competitor?

**Mr White:** His name is Blake Wallace.

**Mr Crozier:** Oh, yes. OK. I have another question or two, but my colleague may have questions as well. Thank you.

**Ms Di Cocco:** One of the reasons I'm an MPP is because of a judicial inquiry over land transactions that took place in Sarnia-Lambton with regard to private and public lands, so I have a real interest in this whole issue of disposition of public assets or public lands to the private sector.

The track record of the Ontario Realty Corp has been less than stellar when it comes to the process of actually disposing of it. I guess what I'm asking is, do you have any kind of opinion as to how the ORC possibly has restructured its sales and bidding procedures?

**Mr White:** Other than what I've read in the newspapers, I'm not really familiar at this point in time with that process. I'm sure that once I'm upon it, I will be brought up to date with the process. At this point in time I don't really have a comment other than that I understand that the audit has come back and has absolved them, or the senior members of the staff, of any responsibility or any wrongdoing.

**Ms Di Cocco:** I guess one of my questions then is, in sales of public land, what criteria do you believe should be in place before it's disposed of?

**Mr White:** I think the process should be a very transparent process. Obviously the government itself has

to go through a lot of internal soul-searching when it arrives at the decision as to whether or not land is surplus and whether or not they will sell it.

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**Ms Di Cocco:** One of the things I noticed in some of the briefings I received was that initially one of the issues was that government operations were supposed to be moved from leased office spaces into government-owned facilities in order to reduce spending on leases. In other words, properties that the government has are supposed to be owned and used for office spaces instead of leased. Instead, what appears to be happening is that the ORC is selling off public space and then the government is renting it back again. Do you think that is a fiscally good way to do business?

**Mr White:** I think each instance has to be looked at carefully, but you've got to remember that Commerce Court, which I just mentioned, was owned by the Canadian Imperial Bank of Commerce until very recently and they sold it and leased it back—as has the Royal Bank, with all its real estate, sold it and leased it back. They have made the decision that they aren't in the real estate business and that they're better off to be tenants and focus on their core business rather than trying to be in the real estate business as well.

**Ms Di Cocco:** I've heard the issue of possible conflict and that in no way would the company you're associated with gain from or have any dealings with transactions that would be approved by your board. Is that the case? Is that what I took from your response to Mr Crozier?

**Mr White:** I might have misunderstood Mr Crozier, but certainly through my appointment, Colliers will not receive any advantage from my being involved with the Ontario Realty Corp. If they're going to go out and compete for a job, they're going to have to win it on their own skills.

**Ms Di Cocco:** What do you believe your responsibility to be on that board?

**Mr White:** As I said earlier, I think the board's responsibility is to establish proper governance and to set policy for the corporation to go ahead and implement.

**Ms Di Cocco:** Do you believe you have any responsibility to the public assets that are there? As an individual on that board, what is your responsibility?

**Mr White:** I believe my responsibility is to see that the Ontario Realty Corp works as effectively as possible for the government of Ontario.

**The Chair:** There is time for one last question.

**Mr Crozier:** Mr White, the federal government has recently given a significant tract of land to the preservation of an environmentally sensitive area, that being the Oak Ridges moraine. What I'm interested in is, leading up to your appointment and at this stage, what if anything has the provincial government told you their priorities are for you as chair of the ORC to see that provincial-government-owned government land that is environmentally sensitive be preserved?

**Mr White:** I have had no discussion along those lines with anybody.



**The Chair:** Those are all the questions to be asked. We go to the third party.

**Mr Crozier:** I thought he was answering the question.

**Ms Churley:** Thank you very much for joining us today so we have this opportunity. I wanted to pick up where the Liberal caucus left off, and that is, to talk a little bit about some of the environmental implications and the need for a second look at what's been happening, not just according to me but to the Environmental Commissioner. First of all, are you aware that the Environmental Commissioner's report—I believe it was the 1999-2000 annual report—criticized the ORC's environmental record? Are you aware of that report?

**Mr White:** No, I'm sorry. I'm not.

**Ms Churley:** It's something I would suggest that you take a look at, because the commissioner expressed some real concerns. They are concerns of all of us and, I would like to think, as well, of my Tory colleagues sitting here today.

There is quite a bit of controversy around the development in the Oak Ridges moraine, but there is development happening elsewhere that there is concern about as well. The concern is that the ORC has been marketing, rezoning, subdividing and selling government lands affecting these environmentally significant lands. Those include lands in the parkway belt north of Toronto—I mentioned the Oak Ridges moraine—the Markham-Pickering agricultural lands reserve, and the Rouge Park area. The commissioner has said that this has been done quickly, without adequate environmental study or public consultation.

Since you haven't read the report and this is new to you, I want to alert you to it, that this is of significant concern to those, I would say, among all parties in the Legislature who are concerned about the preservation of environmentally sensitive land.

That will lead me to my question, since you can't respond specifically to that. The question would be, are you willing, as the chair, to take a look at the implications of this? I know it has been suggested that the government's strong mandate is for the ORC to be businesslike and just sell lands at all costs and make the biggest profit possible. Many of us believe that's not enough, that we owe other debts to our society, and I wonder what your position is on that in terms of a balance between making a profit but also protecting our land.

**Mr White:** I think that's a very important balance to continue to maintain. I can only suggest to you that the Ontario Realty Corp should be taking direction from its client, its only client, which is the Ontario government, in terms of how it deals with it. If there are rules in terms of the environment that it should be following, it should be following those rules.

**Ms Churley:** These rules, by the way, are under what's called a class EA under I think the Environmental Assessment Act. I understand that because there have been accusations—legitimate, in my view—that the ORC has not been following these rules, this class EA is now

under review. Would you take the position that it's important for this process to be there for the ORC to follow because they play such a huge role in our environmentally sensitive land? Would you support keeping that process in place?

**Mr White:** Certainly, subject to reading and understanding what the rules are. If there is any disparity from those rules, I would certainly feel that it would be the ORC's responsibility to correct those disparities.

**Ms Churley:** So can I ask for a commitment from you that you will take a look at this and make it a priority to deal with this specific problem?

**Mr White:** I will certainly take a look at it and make the decision whether it is a major problem that should be pursued immediately.

**Ms Churley:** That's a careful answer.

I want to change tracks here a little bit and talk about affordable housing. I recognize that this position, if approved today—and I can safely assume it will be. You know that we have a severe housing crisis in Ontario, and particularly in our larger urban centres. Everybody is aware of that. Both senior levels of government have removed themselves from housing. Affordable housing is not being built any more. The Tory government here changed rent controls and got out of the business and downloaded housing to the municipality, saying that the private sector would develop and would build affordable housing. It is not happening.

There had been a policy under our government that some land, surplus land, would be set aside as land to be given to social housing developers to provide affordable housing. That's no longer a policy of this government. Would you support at least taking a look at that being brought back as government policy again with some of the existing lands?

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**Mr White:** I don't think I have personally any influence on government policy. If the Ontario Realty Corp is asked to give land to support housing, it certainly would, but the government would have to make that decision and that request of Ontario housing.

**Ms Churley:** Do you personally support such a position?

**Mr White:** Personally I'm in favour of public housing. How it gets there is another issue.

**Ms Churley:** Those are all my questions, Mr Chair.

**The Chair:** I guess that concludes all of the questioning, then. Thank you very much, sir, for appearing before the committee.

**Mr White:** Thank you.

**The Chair:** We have a couple of things I should note. First of all, you're aware of the 30-day deadline that exists between the cabinet passing an order in council and the committee dealing with it. I think that's how it works. The House—may I be editorial? The Chair is not supposed to be. The House will at long last be back in session—you know how I always like the House to be back—after four months. Therefore, if we were to extend the deadline we could deal with it when the House is in



session, as opposed to calling another meeting of this committee before the House comes back, if that is what you would like to do. We would then not have to schedule another meeting before the House comes back if there's unanimous consent to extend the deadline until the committee's regular meeting on April 24.

This is only for two people: the McMichael Canadian Art Collection board of trustees, Mr Blake Wallace and Mr Mario Cortellucci. Do I have unanimous consent of the committee to extend that 30 days?

*Interjections.*

**The Chair:** Thank you kindly. I appreciate that. We will not have to have another committee meeting before the House reconvenes.

We will now go to the appointments review itself and the concurrence motions that usually come forth. I will entertain any concurrence motions.

**Mr Spina:** I move concurrence of the appointment of Mr Brechin.

**The Chair:** Mr Spina has moved concurrence. Any comment first?

**Ms Churley:** Just briefly, and I would ask for a recorded vote. Although I was pleased with some of the responses of Mr Brechin for the Niagara Escarpment position, I just want it on the record that I will be voting against this appointment. Although I found Mr Brechin to be an open and charming man, I feel very concerned, and it is a great concern, that some of the staunch environmental protectors on that commission have been systematically let go from the commission.

I didn't raise it as a question but I'm also concerned that there are no more women left on that commission. It's something that I've fought for all my adult life, to make sure there is some kind of gender balance. This has been an issue that I've brought up before and it's been dismissed.

But due to the fact that some of these supporters were lost in the last round, and here we go again, I wanted to see somebody who had a very clear understanding of the environmental protection role of this commission and made it very clear that they had researched and understood it, and also were concerned about this lack of balance and were going to in fact come today and tell us that they were going to take that on, make it an issue and fight very hard for that balance to be restored. I just don't feel that Mr Brechin fulfills that role that I wanted to see presented here today.

**The Chair:** Any other comments from anyone? If not, a recorded vote has been requested.

**Ayes**

Johnson, Kells, Spina, Wettlaufer.

**Nays**

Churley, Crozier, Di Cocco.

**The Chair:** The motion is carried.

**Mr Spina:** I move concurrence in the appointment of Mr White.

**The Chair:** You've heard Mr Spina's motion. Any comments?

**Mr Crozier:** Just a couple of comments. I was perhaps a bit surprised that the candidate for appointment hadn't received any comment or contact from the government and therefore wasn't able to answer the question about whether the government has given any direction about the sale of sensitive lands. My surprise is that I would have hoped that the government maybe would have had a discussion with Mr White and perhaps covered that issue.

Also, I am a bit concerned that there was some confusion around the role the board will play in the operation of the Ontario Realty Corp in that the board of directors has to approve land sales. There was some concern on my part in that I don't think land sales or asset sales are complete until after the board has given its approval. If it is a fait accompli, then what's the point of the board of directors being involved in it at all?

Third, it was an interesting little issue that popped up in that, of all people, of any number of people it could be, Mr Blake Wallace was the one who told Mr White of the availability of this appointment. I only bring that up because it's interesting to me how interwoven some of these things are. We know that Mr Wallace is coming up for an appointment on the McMichael board and we know that Mr Wallace has had some communication with regard to the Adams mine issue. It's just interesting to me that all these little things seem to be interwoven, and therefore I have a bit of concern about this appointment.

**The Chair:** Ms Di Cocco?

**Ms Di Cocco:** Just an observation: what concerns me about a bit of the discussion is that unfortunately it seems it's the roles and responsibilities of boards that ensure that the process we have in this province is one of integrity and one of responsibility on behalf of the citizens of this province.

It seems to me, just from the fact that people are coming forth—and I think it's wonderful that we have people available to do this, but who on the other hand don't seem to have an understanding of what the structure is in which they are going to play a major role. That concerns me to no end. If the person who is going to be at the helm, the chair, doesn't understand the roles and responsibilities, then I am concerned that maybe we are just going to have rubber-stampers of a partisan nature, which I believe isn't something the people of Ontario deserve when it comes to some of these highly sensitive areas, as well as the huge responsibilities on behalf of the people of the province. That is just my comment on that.

**Mr Johnson:** I'd like to request a recorded vote.

**The Chair:** Any other comment before we have the recorded vote?

Mr Spina has moved concurrence.

**Ayes**

Johnson, Kells, Spina, Wettlaufer.

**Nays**

Churley, Crozier, Di Cocco.

**The Chair:** The motion is carried.

**Mr Johnson:** I have one other thing. We mentioned the next meeting, and I think the date mentioned was April 24, and that's a Tuesday.

**The Chair:** It's April 25.

**Mr Johnson:** It should be Wednesday, April 25?

**The Chair:** That is correct. I was about to note that. I had a note placed in front of me to indicate that since we meet on Wednesday mornings it would be on April 25 that we would be dealing with those two. Thank you very much, Mr Johnson.

A motion to adjourn?

**Mr Spina:** So moved.

**The Chair:** Mr Spina moves that we adjourn. All in favour? Carried.

*The committee adjourned at 1140.*











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